



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
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*Thomas W. Easterly*  
Commissioner

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Susan Hedman  
Regional Administrator  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

December 7, 2010

Re: State Implementation Plan Submittal for Indiana  
Regarding 326 IAC 8-15; Emissions of Volatile Organic  
Compounds from Consumer and Commercial Products,  
LSA # 07-351(F)

Dear Ms. Hedman:

Pursuant to Section 110 of the 1990 Clean Air Act and Title 13 of the Indiana Code, the Indiana Department of Environmental Management (IDEM) submits an amendment to the Indiana state implementation plan. This amendment consists of the addition of a new rule at 326 IAC 8-15 concerning emissions of volatile organic compounds (VOC) from consumer and commercial products.

The new rule is based on the Ozone Transport Commission model rule and includes VOC content limits for consumer and commercial products, regulatory flexibility provisions for innovative products and alternative control plans, labeling requirements, recordkeeping and reporting requirements, and test methods. In order to assist with your review of this state implementation plan submission, a list of supporting documents is attached.

Throughout the development of this rule, staff of the Office of Air Quality worked closely with your staff to ensure that any potential problems that might exist with this requested state implementation plan revision would be resolved. I request that U.S. EPA approve this modification of Indiana's state implementation plan. If you have any questions regarding this submittal, please contact Scott Deloney, Air Programs Branch Chief, Office of Air Quality at (317) 233-5694.

Sincerely,

Keith Baugues  
Assistant Commissioner, Office of Air Quality

KB/as

Attachments: Supporting Documents

cc: John Mooney, U.S. EPA Region 5 (w/enclosures)  
Steve Rosenthal, U.S. EPA Region 5 (no enclosures)  
Keith Baugues, IDEM (no enclosures)  
Scott Deloney, IDEM (no enclosures)  
Christine Pedersen, IDEM (no enclosures)  
Amy Smith, IDEM (no enclosures)  
SIP file

## Supporting Documents

Attachment A: Final rule. LSA Document #07-351(F) as published in the Indiana Register on December 1, 2010 (DIN: 20101201-IR-326070351FRA)

Attachment B: Signature Page

Attachment C: Second Notice as published in the Indiana Register on January 21, 2009 (DIN: 20090121-IR-326070351SNA)

Attachment D: Publisher's Affidavits

Attachment E: Transcript of First Public Hearing held on June 2, 2010.

Attachment F: Transcript of Second Public Hearing held on September 1, 2010.

Attachment G: Proposed rule as published in the Indiana Register on June 30, 2010 (DIN: 20100630-IR-326070351PRA)

Attachment H: Administrative Checklist (40 CFR 51, Appendix V)

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

**Final Rule**

LSA Document #07-351(F)

**DIGEST**

Adds [326 IAC 8-15](#) concerning emissions of volatile organic compounds from consumer and commercial products in Indiana. Effective 30 days after filing with the Publisher.

**HISTORY**

First Notice of Comment Period: June 27, 2007, Indiana Register (DIN: [20070627-IR-326070351FNA](#)).  
Second Notice of Comment Period: January 21, 2009, Indiana Register (DIN: [20090121-IR-326070351SNA](#)).  
Notice of Public Hearing: January 21, 2009, Indiana Register (DIN: [20090121-IR-326070351PHA](#)).  
Change in Notice of Public Hearing: February 3, 2010, Indiana Register (DIN: [20100203-IR-326070351CHA](#)).  
Change in Notice of Public Hearing: April 28, 2010, Indiana Register (DIN: [20100428-IR-326070351CHA](#)).  
Date of First Hearing: June 2, 2010.  
Fiscal Impact Statement: June 30, 2010, Indiana Register (DIN: [20100630-IR-326070351FIA](#)).  
Proposed Rule: June 30, 2010, Indiana Register (DIN: [20100630-IR-326070351PRA](#)).  
Notice of Second Hearing: June 30, 2010, Indiana Register (DIN: [20100630-IR-326070351PHA](#)).  
Date of Second Hearing: September 1, 2010.

**[326 IAC 8-15](#)**

SECTION 1. [326 IAC 8-15](#) IS ADDED TO READ AS FOLLOWS:

**Rule 15. Standards for Consumer and Commercial Products**

**[326 IAC 8-15-1](#) Applicability**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)  
Affected: [IC 13-12](#)

**Sec. 1. This rule applies to any person who:**

- (1) sells;
- (2) supplies;
- (3) offers for sale; or
- (4) manufactures;

consumer products, on or after June 1, 2011, for use in Indiana.

(Air Pollution Control Board; [326 IAC 8-15-1](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

**[326 IAC 8-15-2](#) Definitions**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)  
Affected: [IC 13-11-2-158](#); [IC 13-12](#); [IC 15-16-4](#)

**Sec. 2. The following definitions apply throughout this rule:**

- (1) "ACP" means alternative control plan.
- (2) "ACP agreement" means the document that:
  - (A) includes the conditions and requirements of the ACP; and
  - (B) allows manufacturers to sell ACP products in Indiana in accordance with section 6 of this rule.
- (3) "ACP product" means any consumer product subject to the VOC content limits specified in section 3(a) of this rule, except those products that have been exempted under section 4 or 5 of this rule.
- (4) "Adhesive" means any product that is used to bond one (1) surface to another by attachment. The term does not include the following:
  - (A) Products used on humans and animals.
  - (B) Adhesive tape.

- (C) Contact paper.
- (D) Wallpaper.
- (E) Shelf liners.
- (F) Any other product with an adhesive incorporated onto or in an inert substrate.
- (G) Units of product, less packaging, that consist of more than one (1) gallon that meet the definition for contact adhesive.
- (H) Units of product, less packaging, that:
  - (i) weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces; and
  - (ii) meet the definition of either construction, panel, and floor covering adhesive or general purpose adhesive.

This limitation does not apply to aerosol adhesives.

- (5) "Adhesive remover" means the following:
  - (A) A product designed to remove adhesive from either a specific substrate or a variety of substrates.
  - (B) The term includes the following:
    - (i) Floor or wall covering adhesive remover.
    - (ii) Gasket or thread locking adhesive remover.
    - (iii) General purpose adhesive remover.
    - (iv) Specialty adhesive remover.
  - (C) The term does not include products that remove adhesive intended exclusively for use on humans or animals.
  - (D) For the purpose of this definition, "adhesive" means a substance used to bond one (1) or more materials and includes, but is not limited to, the following:
    - (i) Caulks.
    - (ii) Sealants.
    - (iii) Glues.
    - (iv) Similar substances used for the purpose of forming a bond.
- (6) "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. The term includes the following:
  - (A) Special purpose spray adhesives.
  - (B) Mist spray adhesives.
  - (C) Web spray adhesives.
- (7) "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
- (8) "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a:
  - (A) propellant contained in a product or a product's container; or
  - (B) mechanically induced force.The term does not include pump spray.
- (9) "Agricultural use" means the following:
  - (A) The use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop.
  - (B) The term does not include the sale or use of pesticides in properly labeled packages or containers that are intended for:
    - (i) home use;
    - (ii) use in structural pest control;
    - (iii) industrial use; or
    - (iv) institutional use.
  - (C) For the purposes of this definition only, the following apply:
    - (i) "Home use" means use in a household or its immediate environment.
    - (ii) "Industrial use" means use:
      - (AA) for or in a manufacturing, mining, or chemical process; or
      - (BB) in the operation of factories, processing plants, and similar sites.
    - (iii) "Institutional use" means use within the lines of, or on the property necessary for the operation of, buildings, such as the following:
      - (AA) Hospitals.
      - (BB) Schools.
      - (CC) Libraries.
      - (DD) Auditoriums.
      - (EE) Office complexes.

- (iv) "Structural pest control" means a use requiring a license under [IC 15-16-4](#).
- (10) "Air freshener" means the following:
  - (A) Any consumer product designed for the purpose of masking odors or freshening, cleaning, scenting, or deodorizing the air, including, but not limited to, the following:
    - (i) Sprays.
    - (ii) Wicks.
    - (iii) Powders.
    - (iv) Crystals.
  - (B) To determine whether a product is an air freshener, all verbal and visual representation regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.
  - (C) The term includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution.
  - (D) The term does not include the following:
    - (i) Products that are used on the human body.
    - (ii) Products that function primarily as cleaning products as indicated on a product label.
    - (iii) Toilet or urinal care products.
    - (iv) Disinfectant products claiming to deodorize by killing germs on surfaces.
    - (v) Institutional or industrial disinfectants when offered for sale solely through institutional or industrial channels of distribution.
- (11) "All other carbon-containing compounds" means all other compounds that:
  - (A) contain at least one (1) carbon atom; and
  - (B) are not a Table B compound or an LVP-VOC.
- (12) "All other forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless otherwise specified by the applicable VOC standard in section 3(a) of this rule, the term includes, but is not limited to, the following:
  - (A) Solids.
  - (B) Liquids.
  - (C) Wicks.
  - (D) Powders.
  - (E) Crystals.
  - (F) Cloth or paper wipes (towelettes).
- (13) "Alternative control plan" or "ACP" means any emissions averaging program approved by the department under section 6 of this rule.
- (14) "Antimicrobial hand or body cleaner or soap" means a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. The term:
  - (A) includes, but is not limited to:
    - (i) antimicrobial hand or body washes or cleaners, or both;
    - (ii) food handler hand washes;
    - (iii) health care personnel hand washes;
    - (iv) preoperative skin preparations; and
    - (v) surgical scrubs; and
  - (B) does not include:
    - (i) prescription drug products;
    - (ii) antiperspirants;
    - (iii) astringents or toner;
    - (iv) deodorant;
    - (v) facial cleaner or soap;
    - (vi) general use hand or body cleaner or soap;
    - (vii) hand dishwashing detergent (including antimicrobial);
    - (viii) heavy-duty hand cleaner or soap;
    - (ix) medicated astringent or medicated toner; and
    - (x) rubbing alcohol.
- (15) "Antiperspirant" means any product that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of a target population. The term includes, but is not limited to, the following:
  - (A) Aerosols.
  - (B) Roll-ons.
  - (C) Sticks.

- (D) Pumps.
  - (E) Pads.
  - (F) Creams.
  - (G) Squeeze bottles.
- (16) "Antistatic product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. The term does not include the following products:
- (A) Electronic cleaner.
  - (B) Floor polish or wax.
  - (C) Floor coating.
  - (D) Aerosol coating product.
  - (E) Architectural coating.
- (17) "Architectural coating" means a coating applied to the following:
- (A) Stationary structures and their appurtenances.
  - (B) Mobile homes.
  - (C) Pavements.
  - (D) Curbs.
- (18) "ASTM" means the American Society for Testing and Materials.
- (19) "Astringent or toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores. The term:
- (A) includes:
    - (i) clarifiers; and
    - (ii) substrate-impregnated products; and
  - (B) does not include:
    - (i) hand, face, or body cleaner or soap product;
    - (ii) medicated astringent;
    - (iii) medicated toner;
    - (iv) cold cream;
    - (v) lotion; and
    - (vi) antiperspirant.
- (20) "Automobile headliner adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.
- (21) "Automotive brake cleaner" means a cleaning product designed to remove the following from motor vehicle brake mechanisms:
- (A) Oil.
  - (B) Grease.
  - (C) Brake fluid.
  - (D) Brake pad material.
  - (E) Dirt.
- (22) "Automotive engine compartment adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance and high shear strength at temperatures of two hundred (200) degrees Fahrenheit through two hundred seventy-five (275) degrees Fahrenheit.
- (23) "Automotive hard paste wax" means an automotive wax or polish that:
- (A) is designed to protect and improve the appearance of automotive paint surfaces;
  - (B) is a solid at room temperature; and
  - (C) contains zero percent (0%) water by formulation.
- (24) "Automotive instant detailer" means a product designed for use in a pump spray that is:
- (A) applied to the painted surface of automobiles; and
  - (B) wiped off prior to the product being allowed to dry.
- (25) "Automotive rubbing or polishing compound" means a product designed primarily to remove, from the painted surfaces of motor vehicles without leaving a protective barrier, the following:
- (A) Oxidation.
  - (B) Old paint.
  - (C) Scratches or swirl marks.
  - (D) Other defects.
- (26) "Automotive wax, polish, sealant, or glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. The term:
- (A) includes, but is not limited to, products designed for:
    - (i) use in auto body repair shops;
    - (ii) use in "drive-through" car washes; and

(iii) the general public; and

(B) does not include:

(i) automotive rubbing or polishing compounds;

(ii) automotive wash and wax products;

(iii) surfactant-containing car wash products; and

(iv) products designed for use on unpainted surfaces, including, but not limited to:

(AA) bare metal;

(BB) chrome;

(CC) glass; and

(DD) plastic.

(27) "Automotive windshield washer fluid" means any liquid designed for use in a motor vehicle windshield washer system either:

(A) as an antifreeze; or

(B) for the purpose of:

(i) cleaning;

(ii) washing; or

(iii) wetting;

the windshield.

The term does not include fluids placed by the manufacturer in a new vehicle.

(28) "Bathroom and tile cleaner" means a product designed to clean tile or surfaces in bathrooms. The term does not include products designed primarily to clean the following:

(A) Toilet bowls.

(B) Toilet tanks.

(C) Urinals.

(29) "Bug and tar remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

(A) Biological-type residues, such as the following:

(i) Insect carcasses.

(ii) Tree sap.

(B) Road grime, such as the following:

(i) Road tar.

(ii) Roadway paint markings.

(iii) Asphalt.

(30) "CARB" means the California Air Resources Board.

(31) "Carburetor or fuel-injection air intake cleaners" means a product designed to remove fuel deposits, dirt, or other contaminants from the following:

(A) A carburetor.

(B) A choke.

(C) The throttle body of a fuel-injection system.

(D) Associated linkages.

The term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

(32) "Carpet and upholstery cleaner" means the following:

(A) A cleaning product designed for the purpose of eliminating dirt and stains on the following:

(i) Rugs.

(ii) Carpeting.

(iii) The interior of motor vehicles.

(iv) Household furniture.

(v) Objects upholstered or covered with fabrics, such as the following:

(AA) Wool.

(BB) Cotton.

(CC) Nylon.

(DD) Other synthetic fabrics.

(B) The term includes, but is not limited to, products that make fabric protectant claims.

(C) The term does not include the following:

(i) General purpose cleaners.

(ii) Spot removers.

(iii) Vinyl or leather cleaners.

(iv) Dry cleaning fluids.

(v) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.



**(33) "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. The term does not include any of the following:**

- (A) Electrical starters and probes.**
- (B) Metallic cylinders using paper tinder.**
- (C) Natural gas.**
- (D) Propane.**
- (E) Fat wood.**

**(34) "Colorant" means any pigment or coloring material used in a consumer product:**

- (A) for an aesthetic effect; or**
- (B) to dramatize an ingredient.**

**(35) "Construction, panel, and floor covering adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of the following:**

**(A) Structural and building components, including the following:**

- (i) Beams.**
- (ii) Trusses.**
- (iii) Studs.**
- (iv) Paneling, including, but not limited to, the following:**
  - (AA) Dry wall or dry wall laminates.**
  - (BB) Fiberglass reinforced plastic (FRP).**
  - (CC) Plywood.**
  - (DD) Particle board.**
  - (EE) Insulation board.**
  - (FF) Predecorated hardboard or tile board.**
- (v) Ceiling and acoustical tile.**

**(vi) Molding.**

**(vii) Fixtures.**

**(viii) Countertops.**

**(ix) Countertop laminates.**

**(x) Cove bases.**

**(xi) Wall bases.**

**(xii) Flooring or subflooring.**

**(B) Floor or wall coverings, including the following:**

**(i) Wood or simulated wood covering.**

**(ii) Carpet.**

**(iii) Carpet pad or cushion.**

**(iv) Vinyl-backed carpet.**

**(v) Flexible flooring material.**

**(vi) Nonresilient flooring material.**

**(vii) Mirror tiles and other types of tiles.**

**(viii) Artificial grass.**

The term does not include floor seam sealer.

**(36) "Consumer" means any person who purchases or acquires any consumer product for the following uses:**

- (A) Personal.**
- (B) Family.**
- (C) Household.**
- (D) Institutional.**

The term does not include persons acquiring a consumer product for resale.

**(37) "Consumer product" means the following:**

**(A) A chemically formulated product used by household and institutional consumers, including, but not limited to, the following:**

**(i) Detergents.**

**(ii) Cleaning compounds.**

**(iii) Polishes.**

**(iv) Floor finishes.**

**(v) Cosmetics.**

**(vi) Personal care products.**

**(vii) Home, lawn, and garden products.**

**(viii) Disinfectants.**

**(ix) Sanitizers.**

- (x) Aerosol paints.
- (xi) Automotive specialty products.
- (xii) Aerosol adhesives, including aerosol adhesives for the following uses:
  - (AA) Consumer.
  - (BB) Industrial.
  - (CC) Commercial.
- (B) The term does not include the following:
  - (i) Paint products.
  - (ii) Furniture coating.
  - (iii) Architectural coatings.
- (38) "Contact adhesive" means the following:
  - (A) An adhesive that:
    - (i) is designed for application to both surfaces to be bonded together;
    - (ii) is allowed to dry before the two (2) surfaces are placed in contact with each other;
    - (iii) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and
    - (iv) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.
  - (B) The term does not include the following:
    - (i) Rubber cements that are primarily intended for use on paper substrates.
    - (ii) Vulcanizing fluids that are designed and labeled for tire repair only.
- (39) "Contact adhesive-general purpose" means any contact adhesive that is not a contact adhesive-special purpose.
- (40) "Contact adhesive-special purpose" means a contact adhesive that is used:
  - (A) to bond:
    - (i) melamine-covered board;
    - (ii) unprimed metal;
    - (iii) unsupported vinyl;
    - (iv) Teflon;
    - (v) ultrahigh molecular weight polyethylene;
    - (vi) rubber; and
    - (vii) high pressure laminate or wood veneer, one-sixteenth (1/16) inch or less in thickness; to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight (8) fluid ounces; or
  - (B) in automotive applications that are:
    - (i) automotive under the hood applications requiring heat, oil, or gasoline resistance; or
    - (ii) body side molding, automotive weather strip, or decorative trim.
- (41) "Container or packaging" means the part or parts of the consumer or institutional product that serve only to:
  - (A) contain;
  - (B) enclose;
  - (C) incorporate;
  - (D) deliver;
  - (E) dispense;
  - (F) wrap; or
  - (G) store;the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes that the product was designed or intended. The term includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed, or attached.
- (42) "Crawling bug insecticide" means the following:
  - (A) Any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to:
    - (i) mites;
    - (ii) silverfish; or
    - (iii) spiders.
  - (B) The term does not include products designed to be used exclusively on humans or animals, or any house dust mite product.
  - (C) For purposes of this definition only, the following apply:
    - (i) "House dust mite product" means a product whose label, packaging, or accompanying literature

states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

(ii) "House dust mite" means mites that:

- (AA) feed primarily on skin cells shed in the home by humans and pets; and
- (BB) belong to the:
  - (aa) phylum Arthropoda;
  - (bb) subphylum Chelicerata;
  - (cc) class Arachnida;
  - (dd) subclass Acari;
  - (ee) order Astigmata; and
  - (ff) family Pyroglyphidae.

(43) "Date code" means the day, month, and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

(44) "Deodorant" means the following:

(A) For products manufactured before June 1, 2011, any product including, but not limited to:

- (i) aerosols;
- (ii) roll-ons;
- (iii) sticks;
- (iv) pumps;
- (v) pads;
- (vi) creams; and
- (vii) squeeze bottles;

that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

(B) For products manufactured on or after June 1, 2011, any product including, but not limited to:

- (i) aerosol;
- (ii) roll-ons;
- (iii) sticks;
- (iv) pumps;
- (v) pads;
- (vi) creams; and
- (vii) squeeze bottles;

that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent or minimize odor, or both.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(45) "Deodorant body spray" means the following:

(A) For products manufactured before June 1, 2011, a personal fragrance product with twenty percent (20%) or less fragrance.

(B) For products manufactured on or after June 1, 2011, a personal fragrance product with twenty percent (20%) or less fragrance that is designed for application all over the human body to provide a scent.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(46) "Device" means any instrument or contrivance (other than a firearm) that is designed for:

- (A) trapping;
- (B) destroying;
- (C) repelling; or
- (D) mitigating;

any pest or any other form of plant or animal life (other than man and other than a bacterium, a virus, or another microorganism on or in a living man or other living animals). The term does not include equipment used for the application of pesticides when sold separately therefrom.

(47) "Disinfectant" means the following:

- (A) Any product:
  - (i) intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects; and
  - (ii) whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.).

- (B) The term does not include any of the following:**
  - (i) Products designed solely for use on human or animals.**
  - (ii) Products designed for agricultural use.**
  - (iii) Products designed solely for use in:**
    - (AA) swimming pools;**
    - (BB) therapeutic tubs; or**
    - (CC) hot tubs.**
  - (iv) Products that, as indicated on the principal display panel or label, are designed primarily for use as:**
    - (AA) bathroom and tile cleaners;**
    - (BB) glass cleaners;**
    - (CC) general purpose cleaners;**
    - (DD) toilet bowl cleaners; or**
    - (EE) metal polishes.**
- (48) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include the following:**
  - (A) Manufacturers.**
  - (B) Retailers.**
  - (C) Consumers.**
- (49) "Double phase aerosol air freshener" means an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.**
- (50) "Dry cleaning fluid" means the following:**
  - (A) Any nonaqueous liquid product designed and labeled exclusively for use on:**
    - (i) fabrics that are labeled "for dry clean only", such as clothing or drapery; or**
    - (ii) "S-coded" fabrics, that for the purpose of this definition, means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.**
  - (B) The term includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics, such as draperies, at the customer's residence or workplace.**
  - (C) The term does not include:**
    - (i) spot remover; or**
    - (ii) carpet and upholstery cleaner.**
- (51) "Dusting aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include a pressurized gas duster.**
- (52) "Electrical cleaner" means the following:**
  - (A) A product labeled to remove heavy soils, such as grease, grime, or oil, from electrical equipment, including, but not limited to, the following:**
    - (i) Electric motors.**
    - (ii) Armatures.**
    - (iii) Relays.**
    - (iv) Electric panels.**
    - (v) Generators.**
  - (B) The term does not include the following:**
    - (i) General purpose cleaners.**
    - (ii) General purpose degreasers.**
    - (iii) Dusting aids.**
    - (iv) Electronic cleaners.**
    - (v) Energized electrical cleaners.**
    - (vi) Pressurized gas dusters.**
    - (vii) Engine degreasers.**
    - (viii) Antistatic products.**
    - (ix) Products designed to clean the casings or housings of electrical equipment.**
- (53) "Electronic cleaner" means the following:**
  - (A) A product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment, such as circuit boards, and the internal components of electronic devices, including, but not limited to, the following:**
    - (i) Radios.**
    - (ii) Compact disc (CD) players.**

(iii) Digital video disc (DVD) players.

(iv) Computers.

(B) The term does not include the following products:

(i) General purpose cleaners.

(ii) General purpose degreasers.

(iii) Dusting aids.

(iv) Pressurized gas dusters.

(v) Engine degreasers.

(vi) Electrical cleaners.

(vii) Energized electrical cleaners.

(viii) Antistatic products.

(ix) Products designed to clean the casings or housings of electronic equipment.

(54) "Energized electrical cleaner" means a product that meets the following criteria:

(A) The product is labeled to clean or degrease, or both, electrical equipment where cleaning or degreasing, or both, is accomplished when:

(i) electrical current exists; or

(ii) there is a residual electrical potential from a component, such as a capacitor.

(B) The product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts."

The term does not include electronic cleaners.

(55) "Engine degreaser" means a cleaning product designed to remove:

(A) grease;

(B) grime;

(C) oil; and

(D) other contaminants;

from the external surfaces of engines and other mechanical parts.

(56) "Existing product" means any:

(A) formulation of the same product category and form:

(i) sold;

(ii) supplied;

(iii) manufactured; or

(iv) offered for sale;

in Indiana prior to June 1, 2011; or

(B) subsequently introduced identical formulation.

(57) "Fabric protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include the following:

(A) Waterproofers.

(B) Products designed for use solely on:

(i) leather; or

(ii) fabrics that are labeled "for dry clean only" and sold in containers of ten (10) fluid ounces or less.

(58) "Fabric refresher" means the following:

(A) A product labeled to neutralize or eliminate odors on the following:

(i) Nonlaundered fabric, including, but not limited to, the following:

(AA) Soft household surfaces.

(BB) Rugs.

(CC) Carpeting.

(DD) Draperies.

(EE) Bedding.

(FF) Automotive interiors.

(GG) Footwear.

(HH) Athletic equipment.

(II) Clothing.

(ii) Household furniture or objects upholstered or covered with fabrics, including, but not limited to, the following:

(AA) Wool.

(BB) Cotton.

(CC) Nylon.

(B) The term does not include the following:

(i) Antistatic products.

- (ii) Carpet and upholstery cleaners.
- (iii) Footwear or leather care products.
- (iv) Spot removers.
- (v) Disinfectants.
- (vi) Products labeled for application to both fabric and human skin.
- (vii) Soft household surface sanitizers. For the purposes of this definition only, "soft household surface sanitizer" means a product labeled to neutralize or eliminate odors on surfaces listed in clause (A) whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

(59) "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face. The term:

(A) includes, but is not limited to:

- (i) facial cleansing creams;
- (ii) semisolids;
- (iii) liquids;
- (iv) lotions; and
- (v) substrate-impregnated forms; and

(B) does not include:

- (i) prescription drug products;
- (ii) antimicrobial hand or body cleaner or soap;
- (iii) astringent or toner;
- (iv) general use hand or body cleaner or soap;
- (v) medicated astringent or medicated toner; and
- (vi) rubbing alcohol.

(60) "Fat wood" means pieces of wood kindling with high naturally occurring levels of sap or resin that enhance ignition of the kindling. The term does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood based products.

(61) "Flea and tick insecticide" means any insecticide product that is designed for use against:

- (A) fleas;
- (B) ticks;
- (C) their larvae; or
- (D) their eggs.

The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

(62) "Flexible flooring material" means the following:

- (A) Asphalt.
- (B) Cork.
- (C) Linoleum.
- (D) No-wax.
- (E) Rubber.
- (F) Seamless vinyl flooring.
- (G) Vinyl composite flooring.

(63) "Flexible vinyl" means a nonrigid polyvinyl chloride plastic with at least five percent (5%), by weight, of plasticizer content, which may be determined using ASTM Method E260-96(2006) "Standard Practice for Packed Column Gas Chromatography", or from product formulation data. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility.

(64) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates.

(65) "Floor coating" means an opaque coating that is labeled and designed for application to flooring that may be subject to foot traffic, including, but not limited to, the following:

- (A) Decks.
- (B) Porches.
- (C) Steps.
- (D) Other horizontal surfaces.

(66) "Floor or wall covering adhesive remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

(67) "Floor polish or wax" means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished.

The term does not include the following:

- (A) Spray buff products.
- (B) Products designed solely for the purpose of cleaning floors.
- (C) Floor finish strippers.

(D) Products designed for unfinished wood floors.

(E) Coatings subject to architectural coatings regulations.

(68) "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

(69) "Floor wax stripper" means a product designed to remove natural or synthetic floor polishes or waxes:

(A) through breakdown of the polish or wax polymers; or

(B) by dissolving or emulsifying the polish or wax.

The term does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

(70) "Flying bug insecticide" means the following:

(A) Any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, the following:

(i) Flies.

(ii) Mosquitoes.

(iii) Moths.

(iv) Gnats.

(B) The term does not include the following:

(i) Wasp and hornet insecticide.

(ii) Products that are designed to be used exclusively on humans or animals.

(iii) Any moth-proofing product. For purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

(71) "Footwear or leather care product" means the following:

(A) Any product designed or labeled to be applied to footwear or to other leather articles or components, to:

(i) maintain;

(ii) enhance;

(iii) clean;

(iv) protect; or

(v) modify;

the appearance, durability, fit, or flexibility of the footwear or leather article or component. Footwear includes both leather and nonleather foot apparel.

(B) The term does not include the following:

(i) Fabric protectants.

(ii) General purpose adhesives.

(iii) Contact adhesives.

(iv) Vinyl, fabric, leather, or polycarbonate coatings.

(v) Rubber and vinyl protectants.

(vi) Fabric refreshers.

(vii) Products solely for deodorizing.

(viii) Sealant products with adhesive properties used to create external protective layers greater than two (2) millimeters thick.

(72) "Fragrance" means a substance or complex mixture of:

(A) aroma chemicals;

(B) natural essential oils; and

(C) other functional components;

with a combined vapor pressure not in excess of two (2) millimeters of mercury (mm Hg) at twenty (20) degrees Celsius, the sole purpose of which is to impart an odor or scent or to counteract a malodor.

(73) "Furniture coating" means any paint designed for application to room furnishings, including, but not limited to, the following:

(A) Cabinets (kitchen, bath, and vanity).

(B) Tables.

(C) Chairs.

(D) Beds.

(E) Sofas.

(74) "Furniture maintenance product" means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting, or enhancing finished wood surfaces other than floors. The term does not include the following:

(A) Dusting aids.

(B) Wood cleaners.

(C) Products designed solely for the purpose of cleaning.

(D) Products designed to leave a permanent finish, such as the following:

(i) Stains.

(ii) Sanding sealers.

(iii) Lacquers.

(75) "Gasket or thread locking adhesive remover" means a product designed or labeled to remove gaskets or thread locking adhesives. The term includes products labeled for dual use as a paint stripper and gasket remover or thread locking adhesive remover.

(76) "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

(77) "General purpose adhesive" means any nonaerosol adhesive designed for use on a variety of substrates. The term does not include the following:

(A) Contact adhesives.

(B) Construction, panel, and floor covering adhesives.

(C) Adhesives designed exclusively for application on one (1) specific category of substrates that are composed of similar materials, including, but not limited to, different types of the following:

(i) Metals.

(ii) Paper products.

(iii) Ceramics.

(iv) Plastics.

(v) Rubbers.

(vi) Vinyls.

(D) Adhesives designed exclusively for use on one (1) specific category of articles, such as articles that may be composed of different materials but perform a specific function, including, but not limited to, the following:

(i) Gaskets.

(ii) Automotive trim.

(iii) Weather stripping.

(iv) Carpets.

(78) "General purpose adhesive remover" means a product designed or labeled to remove cyanoacrylate adhesives and nonreactive adhesives or residue from a variety of substrates. The term includes, but is not limited to, products that remove the following:

(A) Thermoplastic adhesives.

(B) Pressure sensitive adhesives.

(C) Dextrine or starch based adhesives.

(D) Casein glues.

(E) Rubber or latex based adhesives.

(F) Stickers.

(G) Decals.

(H) Stencils.

The term does not include floor or wall covering adhesive remover.

(79) "General purpose cleaner" means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. The term includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces. The term does not include general purpose degreasers and electronic cleaners.

(80) "General purpose degreaser" means the following:

(A) Any product labeled to remove or dissolve grease, grime, oil, and other oil based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts.

(B) The term does not include the following:

(i) Engine degreasers.

(ii) General purpose cleaners.

(iii) Adhesive removers.

(iv) Electronic cleaners.

(v) Electrical cleaners.

(vi) Energized electrical cleaners.

(vii) Metal polish or cleansers.

(viii) Products used exclusively in solvent cleaning tanks or related equipment, including, but not limited to, the following:

(AA) Cold cleaners.



(BB) Vapor degreasers.

(CC) Conveyorized degreasers.

(DD) Film cleaning machines.

(EE) Products designed to clean miscellaneous metallic parts by immersion in a container.

(ix) Products that are:

(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and

(BB) labeled "not for retail sale".

(81) "General use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. The term:

(A) includes, but is not limited to:

(i) hand or body washes;

(ii) dual-purpose shampoo and body cleaners;

(iii) shower or bath gels; and

(iv) moisturizing cleaners or soaps; and

(B) does not include:

(i) prescription drug products;

(ii) antimicrobial hand or body cleaner or soap;

(iii) astringent or toner;

(iv) facial cleaner or soap;

(v) hand dishwashing detergent (including antimicrobial);

(vi) heavy-duty hand cleaner or soap;

(vii) medicated astringent or medicated toner; and

(viii) rubbing alcohol.

(82) "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in the following:

(A) Eyeglasses.

(B) Photographic equipment.

(C) Scientific equipment.

(D) Photocopying machines.

(83) "Graffiti remover" means the following:

(A) A product labeled to remove, from a variety of noncloth or nonfabric substrates, the following:

(i) Spray paint.

(ii) Ink.

(iii) Marker.

(iv) Crayon.

(v) Lipstick.

(vi) Nail polish.

(vii) Shoe polish.

(B) The term does not include the following:

(i) Paint remover or stripper.

(ii) Nail polish remover.

(iii) Spot remover.

(C) Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.

(84) "Hair mousse" means a hairstyling foam designed to:

(A) facilitate styling of a coiffure; and

(B) provide limited holding power.

(85) "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair. The term includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include the following:

(A) Hair sprays.

(B) Hair mousses.

(C) Hairstyling products.

(D) Hairstyling gels.

(E) Products whose primary purpose is to condition or hold the hair.

(86) "Hair spray" means the following:

(A) For products manufactured before June 1, 2011, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure that will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

(B) For products manufactured on or after June 1, 2011, a consumer product that is:

- (i) applied to styled hair; and
- (ii) designed or labeled to provide sufficient rigidity to hold, retain, or finish, or both, the style of the hair for a period of time.
- (C) The term includes the following:
  - (i) Aerosol hair sprays.
  - (ii) Pump hair sprays.
  - (iii) Spray waxes.
  - (iv) Products that are both a styling and a finishing product.
  - (v) Color, glitter, or sparkle hair sprays that make finishing claims.
- (D) The term does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.
- (E) For purposes of this definition, the following apply:
  - (i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
  - (ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
- (87) "Hairstyling gel" means a consumer product manufactured before June 1, 2011, that is:
  - (A) a high viscosity, often gelatinous, product that contains a resin; and
  - (B) designed for the application to hair to aid in styling and sculpting of the hair coiffure.
- (88) "Hairstyling product" means the following:
  - (A) A consumer product manufactured on or after June 1, 2011, that is designed or labeled for application to wet, damp, or dry hair to aid in:
    - (i) defining;
    - (ii) shaping;
    - (iii) lifting;
    - (iv) styling; or
    - (v) sculpting;the hair.
  - (B) The term includes, but is not limited to, the following:
    - (i) Products that aid in styling but do not provide finishing of a hairstyle, including, but not limited to, the following:
      - (AA) Hair balm.
      - (BB) Clay.
      - (CC) Cream.
      - (DD) Creme.
      - (EE) Curl straightener.
      - (FF) Gel.
      - (GG) Liquid.
      - (HH) Lotion.
      - (II) Paste.
      - (JJ) Pomade.
      - (KK) Putty.
      - (LL) Root lifter.
      - (MM) Serum.
      - (NN) Spray gel.
      - (OO) Stick.
      - (PP) Temporary hair straightener.
      - (QQ) Wax.
      - (RR) Spray products.
    - (ii) Leave-in detanglers, conditioners, or volumizers that make styling claims.
  - (C) The term does not include the following:
    - (i) Hair mousses.
    - (ii) Hair shines.
    - (iii) Hair sprays.
    - (iv) Shampoos or conditioners, or both, that are rinsed from the hair prior to styling.
  - (D) For purposes of this definition, the following apply:
    - (i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
    - (ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
- (89) "Heavy-duty hand cleaner or soap" means the following:

(A) A product designed to clean or remove from the hand with or without the use of water difficult dirt and soils, including, but not limited to, the following:

- (i) Oil.
- (ii) Grease.
- (iii) Grime.
- (iv) Tar.
- (v) Shellac.
- (vi) Putty.
- (vii) Printer's ink.
- (viii) Paint.
- (ix) Graphite.
- (x) Cement.
- (xi) Carbon.
- (xii) Asphalt.
- (xiii) Adhesives.

(B) The term does not include the following:

- (i) Prescription drug products.
- (ii) Antimicrobial hand or body cleaner or soap.
- (iii) Astringent or toner.
- (iv) Facial cleaner or soap.
- (v) General use hand or body cleaner or soap.
- (vi) Medicated astringent or medicated toner.
- (vii) Rubbing alcohol.

(90) "Herbicide" means a pesticide product designed to kill or retard a plant's growth. The term does not include products that are:

- (A) for agricultural use; or
- (B) restricted materials that require a permit for use and possession.

(91) "High volatility organic compound" or "HVOC" means any volatile organic compound that exerts a vapor pressure greater than eighty (80) millimeters of mercury (mm Hg) when measured at twenty (20) degrees Celsius.

(92) "Household product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

(93) "Indiana sales" means the sales (net pounds of product, less packaging and container, per year) in Indiana for either:

- (A) the calendar year immediately prior to the year that the registration is due; or
- (B) if that data is not available, any consecutive twelve (12) month period commencing not earlier than two (2) years prior to the due date of the registration.

If direct sales data for Indiana is not available, sales may be estimated by prorating national or regional sales data by population.

(94) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods. The term does not include products that are:

- (A) for agricultural use;
- (B) for a use that requires a structural pest control license under [IC 15-16-4](#); or
- (C) restricted materials that require a permit for use and possession.

(95) "Insecticide fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

(96) "Institutional product", "industrial and institutional product", or "I & I product" means the following:

(A) A consumer product that is designed for use in the maintenance or operation of an establishment that:

- (i) manufactures, transports, or sells goods or commodities or provides services for profit; or
- (ii) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause.

(B) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

(C) For purposes of this definition, "establishments" includes, but is not limited to, the following:

- (i) Government agencies.
- (ii) Factories.
- (iii) Schools.
- (iv) Hospitals.

- (v) Sanitariums.
- (vi) Prisons.
- (vii) Restaurants.
- (viii) Hotels.
- (ix) Stores.
- (x) Automobile service and parts centers.
- (xi) Health clubs.
- (xii) Theaters.
- (xiii) Transportation companies.

(97) "Label" means any written, printed, or graphic matter:

- (A) affixed to;
- (B) applied to;
- (C) attached to;
- (D) blown into;
- (E) formed into;
- (F) molded into;
- (G) embossed on; or
- (H) appearing upon;

any consumer product or consumer product package for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

(98) "Laminate repair or edgebanding adhesive" means an aerosol adhesive designed for the following:

- (A) The touchup or repair of items laminated with high pressure laminates, for example, lifted edges, delaminates, etc. For purposes of this definition, "high pressure laminate" means sheet materials that consist of paper, fabric, or other core material that have been laminated at:
  - (i) temperatures exceeding two hundred sixty-five (265) degrees Fahrenheit; and
  - (ii) pressures between one thousand (1,000) and one thousand four hundred (1,400) psi.
- (B) The touchup, repair, or attachment of edgebanding materials, including, but not limited to, the following:
  - (i) Other laminates.
  - (ii) Synthetic marble.
  - (iii) Veneers.
  - (iv) Wood molding.
  - (v) Decorative metals.

(99) "Laundry prewash" means a product that:

- (A) is designed for application to a fabric prior to laundering; and
- (B) supplements and contributes to the effectiveness of laundry detergents or provides specialized performance, or both.

(100) "Laundry starch product" means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. The term includes, but is not limited to, fabric finish, sizing, and starch.

(101) "Lawn and garden insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 7(d) of this rule, aerosol lawn and garden insecticides may claim to kill insects or other arthropods.

(102) "Liquid" means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D4359-90(2000)e1 "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid"\*. The term does not include powders or other materials that are composed entirely of solid particles.

(103) "Lubricant" means the following:

- (A) A product designed to:
  - (i) reduce friction, heat, noise, or wear between moving parts; or
  - (ii) loosen rusted or immovable parts or mechanisms.
- (B) The term does not include the following:
  - (i) Automotive power steering fluids.
  - (ii) Products for use inside power generating motors, engines, and turbines and their associated power-transfer gearboxes.
  - (iii) Two (2) cycle oils or other products designed to be added to fuels.
  - (iv) Products for use on the human body or animals.
  - (v) Products that are:

(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and

(BB) labeled "not for retail sale".

(104) "LVP-VOC" means a chemical compound or mixture that contains at least one (1) carbon atom and meets one (1) of the following:

(A) Has a vapor pressure less than one-tenth (0.1) millimeter of mercury (mm Hg) at twenty (20) degrees Celsius, as determined by CARB Method 310\*.

(B) Is a chemical compound with more than twelve (12) carbon atoms, or a chemical mixture comprised solely of compounds with more than twelve (12) carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown.

(C) Is a chemical compound with a boiling point greater than two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310\*.

(D) Is the weight percent of a chemical mixture that boils above two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310\*.

For purposes of this definition, "chemical compound" means a molecule of definite chemical formula and isomeric structure, and "chemical mixture" means a substrate comprised of two (2) or more chemical compounds.

(105) "Manufacturer" means any person who:

(A) imports;

(B) manufactures;

(C) assembles;

(D) produces;

(E) packages;

(F) repackages; or

(G) relabels;

a consumer product.

(106) "Medicated astringent or medicated toner" means any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening pores. The term:

(A) includes, but is not limited to:

(i) clarifiers; and

(ii) substrate-impregnated products; and

(B) does not include:

(i) hand, face, or body cleaners or soap products;

(ii) astringents or toners;

(iii) cold creams;

(iv) lotions;

(v) antiperspirants; and

(vi) products that must be purchased with a doctor's prescription.

(107) "Medium volatility organic compound" or "MVOC" means any volatile organic compound that exerts a vapor pressure greater than two (2) millimeters of mercury (mm Hg) and less than or equal to eighty (80) mm Hg when measured at twenty (20) degrees Celsius.

(108) "Metal polish or cleanser" means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. For purposes of this definition, "improve the appearance" means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. The term:

(A) includes, but is not limited to, metal polishes used on:

(i) brass;

(ii) silver;

(iii) chrome;

(iv) copper;

(v) stainless steel; and

(vi) other ornamental metals; and

(B) does not include:

(i) automotive waxes, polishes, sealants, or glazes;

(ii) wheel cleaners;

(iii) paint removers or strippers;

(iv) products designed and labeled exclusively for automotive and marine detailing; or

(v) products designed for use in degreasing tanks.

(109) "Mist spray adhesive" means any aerosol that:

(A) is not a special purpose spray adhesive; and

(B) delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

(110) "Mounting adhesive" means an aerosol adhesive designed to permanently mount:

- (A) photographs;
  - (B) artwork; and
  - (C) any other drawn or printed media;
- to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
- (111) "Multipurpose dry lubricant" means any lubricant that is:
- (A) designed and labeled to provide lubricity by depositing a thin film of:
    - (i) graphite;
    - (ii) molybdenum disulfide (moly);
    - (iii) polytetrafluoroethylene; or
    - (iv) closely related fluoropolymer (Teflon) on surfaces; and
  - (B) designed for general purpose lubrication or for use in a wide variety of applications.
- (112) "Multipurpose lubricant" means any lubricant designed for general purpose lubrication or for use in a wide variety of applications. The term does not include the following:
- (A) Multipurpose dry lubricants.
  - (B) Penetrants.
  - (C) Silicone based multipurpose lubricants.
- (113) "Multipurpose solvent" means the following:
- (A) Any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing, or dissolving other organic materials.
  - (B) The term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific, or other laboratories.
  - (C) The term does not include the following:
    - (i) Solvents used in the following:
      - (AA) Cold cleaners.
      - (BB) Vapor degreasers.
      - (CC) Conveyorized degreasers.
      - (DD) Film cleaning machines.
    - (ii) Solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- (114) "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails, including, but not limited to, the following:
- (A) Lacquers.
  - (B) Enamels.
  - (C) Acrylics.
  - (D) Base coats.
  - (E) Top coats.
- (115) "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.
- (116) "Nonaerosol product" means any consumer product that is not dispensed by a pressurized spray system.
- (117) "Noncarbon containing compound" means any compound that does not contain any carbon atoms.
- (118) "Nonresilient flooring" means flooring of a mineral content that is not flexible, including, but not limited to, the following:
- (A) Terrazzo.
  - (B) Marble.
  - (C) Slate.
  - (D) Granite.
  - (E) Brick.
  - (F) Stone.
  - (G) Ceramic tile.
  - (H) Concrete.
- (119) "Nonselective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
- (120) "Oven cleaner" means any cleaning product designed to clean and remove dried food deposits from oven walls.
- (121) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer that is:
- (A) converted to an opaque solid film after application; and
  - (B) used for protection, decoration, or identification or to serve some functional purpose, such as the:

- (i) filling or concealing of surface irregularities; or
- (ii) modification of light and heat radiation characteristics.

(122) "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. The term does not include the following:

- (A) Multipurpose solvents.
- (B) Paint brush cleaners.
- (C) Products designed and labeled exclusively graffiti removers.
- (D) Hand cleaner products that claim to remove paints and other related coatings from skin.

(123) "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include multipurpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.

(124) "Person" has the meaning set forth in [IC 13-11-2-158](#).

(125) "Personal fragrance product" means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, after-shave, and toilet water. The term does not include the following:

- (A) Deodorant.
- (B) Medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body.
- (C) Mouthwashes, breath fresheners, and deodorizers.
- (D) Lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions, such as dryness and irritations.
- (E) Products designed exclusively for use on human genitalia.
- (F) Soaps, shampoos, and products primarily used to clean the human body.
- (G) Fragrance products designed to be used exclusively on nonhuman animals.

(126) "Pesticide" means any substance or mixture of substances labeled, designed, or intended for use:

- (A) in preventing, destroying, repelling, or mitigating any pest; or
- (B) as a defoliant, desiccant, or plant regulator.

The term does not include any substance, mixture of substances, or device that the U.S. EPA does not consider to be a pesticide.

(127) "Polyolefin adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.

(128) "Polystyrene foam adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.

(129) "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including the following surfaces:

- (A) Photographs.
- (B) Photographic film negatives.
- (C) Computer keyboards.
- (D) Other types of surfaces that cannot be cleaned with solvents.

The term does not include dusting aids.

(130) "Principal display panel or panels" means the part or parts of a label that are so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all the principal display panels.

(131) "Product brand name" means the name of the product exactly as it appears on the principal display panel of the product.

(132) "Product category" means the applicable category that best describes the product as listed in this section and section 3(a) of this rule.

(133) "Product form" means, for the purpose of complying with section 7 of this rule only, the applicable form that most accurately describes the product's dispensing form as follows:

- A = Aerosol Product
- S = Solid
- P = Pump Spray
- L = Liquid
- SS = Semisolid
- O = Other

(134) "Product line" means a group of products of identical form and function belonging to the same product category or categories.

(135) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a

separate container.

(136) "Pump spray" means a packaging system in which the product ingredients within the container are:

- (A) not under pressure; and
- (B) expelled only while a pumping action is applied to:
  - (i) a button;
  - (ii) a trigger; or
  - (iii) another actuator.

(137) "Responsible ACP party" means the company, firm, or establishment that is listed on the ACP product's label. If the label lists two (2) or more companies, firms, or establishments, the responsible ACP party is the party that the ACP product was "manufactured for" or "distributed by", as noted on the label.

(138) "Responsible party" means the company, firm, or establishment that is listed on the product's label. If the label lists two (2) companies, firms, or establishments, the responsible party is the party that the product was "manufactured for" or "distributed by", as noted on the label.

(139) "Restricted materials" means pesticides established as restricted materials under applicable [IC 15-16-4](#).

(140) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.

(141) "Retail outlet" means any establishment where consumer products are sold, supplied, or offered for sale directly to consumers.

(142) "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

(143) "Rubber and vinyl protectant" means the following:

- (A) Any product designed to protect, preserve, or renew vinyl, rubber, and plastic on the following:
  - (i) Vehicles.
  - (ii) Tires.
  - (iii) Luggage.
  - (iv) Furniture.
  - (v) Household products, such as the following:
    - (AA) Vinyl covers.
    - (BB) Clothing.
    - (CC) Accessories.
- (B) The term does not include the following:
  - (i) Products designed primarily to clean the wheel rim, such as aluminum or magnesium wheel cleaners.
  - (ii) Tire cleaners that do not leave an appearance enhancing or protective substance on the tire.

(144) "Rubbing alcohol" means any product:

- (A) containing isopropyl alcohol (also called isopropanol) or denatured ethanol; and
- (B) labeled for topical use, usually to:
  - (i) decrease germs in minor cuts and scrapes; and
  - (ii) relieve minor muscle aches, as a rubefacient, and for massage.

(145) "Sealant and caulking compound" means the following:

- (A) Any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two (2) surfaces.
- (B) The term does not include the following:
  - (i) Roof cements and roof sealants.
  - (ii) Insulating foams.
  - (iii) Removable caulking compounds. For purposes of this definition only, "removable caulking compounds" means a compound that temporarily seals windows or doors for three (3) to six (6) month time intervals.
  - (iv) Clear, paintable, or water resistant caulking compounds. For purposes of this definition, "clear, paintable, or water resistant caulking compounds" means a compound:
    - (AA) that contains no appreciable level of opaque fillers or pigments;
    - (BB) transmits most or all visible light through the caulk when cured;
    - (CC) is paintable; and
    - (DD) is immediately resistant to precipitation upon application.
  - (v) Floor seam sealers.
  - (vi) Products designed exclusively for automotive uses.
  - (vii) Sealers that are applied as continuous coatings.
  - (viii) Units of product, less packaging, that weigh more than one (1) pound and consist of more



than sixteen (16) fluid ounces.

(146) "Semisolid" means a product that, at room temperature, will not pour but will spread or deform easily including, but not limited to, the following:

- (A) Gels.
- (B) Pastes.
- (C) Greases.

(147) "Shaving cream" means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. The term does not include shaving gel.

(148) "Shaving gel" means an aerosol product that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. The term does not include shaving cream.

(149) "Silicone based multipurpose lubricant" means any lubricant that is designed and labeled:

- (A) to provide lubricity primarily through the use of silicone compounds, including, but not limited to, polydimethylsiloxane; and
- (B) for general purpose lubrication or for use in a wide variety of applications.

The term does not include products designed and labeled exclusively to release manufactured products from molds.

(150) "Single phase aerosol air freshener" means an aerosol air freshener:

- (A) with the liquid contents in a single homogeneous phase; and
- (B) that does not require that the product container be shaken before use.

(151) "Solid" means a substance or mixture of substances that, either whole or subdivided, such as the particles comprising a powder, is not capable of visually detectable flow as determined under ASTM D4359-90(2000)e1 "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid"\*.

(152) "Special purpose spray adhesive" means an aerosol adhesive that meets any of the following definitions:

- (A) Mounting adhesive.
- (B) Flexible vinyl adhesive.
- (C) Polystyrene foam adhesive.
- (D) Automobile headliner adhesive.
- (E) Polyolefin adhesive.
- (F) Laminate repair or edgebanding adhesive.
- (G) Automotive engine compartment adhesive.

(153) "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur including, but not limited to, the following:

- (A) Epoxies.
- (B) Urethanes.
- (C) Silicones.

The term does not include gasket or thread locking adhesive remover.

(154) "Spot remover" means the following:

(A) Any product labeled to clean localized areas or remove localized spots or stains on cloth or fabric, such as:

- (i) drapes;
- (ii) carpets;
- (iii) upholstery; and
- (iv) clothing;

that does not require subsequent laundering to achieve stain removal.

(B) The term does not include the following:

- (i) Dry cleaning fluid.
- (ii) Laundry prewash.
- (iii) Multipurpose solvent.

(155) "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

(156) "Stick product" means any antiperspirant or deodorant that:

- (A) contains active ingredients in a solid matrix form; and
- (B) dispenses the active ingredients by frictional action on the affected area.

(157) "Structural waterproof adhesive" means an adhesive:

- (A) whose bond lines are resistant to conditions of continuous immersion in fresh or salt water; and
- (B) that conforms with Federal Specification MMM-A-181D (Type 1, Grade A)\*.

(158) "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Section 94508\*.

(159) "Terrestrial" means to live on or grow from land.

(160) "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

(161) "Toilet or urinal care product" means the following:

(A) Any product designed or labeled to clean, deodorize, or clean and deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, the following:

(i) Toilets or urinals connected to permanent plumbing in buildings and other structures.

(ii) Portable toilets or urinals placed at temporary or remote locations.

(iii) Toilets or urinals in vehicles, such as the following:

(AA) Buses.

(BB) Recreational motor homes.

(CC) Boats.

(DD) Ships.

(EE) Aircraft.

(B) The term does not include the following:

(i) Bathroom and tile cleaner.

(ii) General purpose cleaner.

(162) "Type A propellant" means a compressed gas, such as carbon dioxide (CO<sub>2</sub>), nitrogen (N<sub>2</sub>), or nitrous oxide (N<sub>2</sub>O), or compressed air that is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.

(163) "Type B propellant" means any halocarbon that is used as a propellant including the following:

(A) Chlorofluorocarbons (CFCs).

(B) Hydrochlorofluorocarbons (HCFCs).

(C) Hydrofluorocarbons (HFCs).

(164) "Type C propellant" means any propellant that is not a Type A or Type B propellant, including the following:

(A) Propane.

(B) Isobutane.

(C) n-butane.

(D) Dimethyl ether (also known as dimethyl oxide).

(165) "Undercoating" means any aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior, or firewall of motor vehicles to prevent the formation of rust or to deaden sound. The term includes, but is not limited to, rubberized, mastic, or asphaltic products.

(166) "Usage directions" means the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.

(167) "Vinyl, fabric, leather, or polycarbonate coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

(168) "VOC content" means, except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under section 9 of this rule.

(169) "Volatile organic compound" or "VOC" has the meaning set forth in [326 IAC 1-2-90](#).

(170) "Wasp and hornet insecticide" means any insecticide product that is designed for use against:

(A) wasps;

(B) hornets;

(C) yellow jackets; or

(D) bees;

by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.

(171) "Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants.

(172) "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). The term includes, but is not limited to, the following:

(A) Substances derived from the secretions of plants and animals, such as carnauba wax and beeswax.

(B) Substances of a mineral origin, such as ozocerite and paraffin.

(C) Synthetic polymers, such as polyethylene.

(173) "Web spray adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

(174) "Wood cleaner" means the following:

(A) A product labeled to clean wooden materials, including, but not limited to, the following:

- (i) Decking.
- (ii) Fences.
- (iii) Flooring.
- (iv) Logs.
- (v) Cabinetry.
- (vi) Furniture.

(B) The term does not include the following:

- (i) Dusting aids.
- (ii) General purpose cleaners.
- (iii) Furniture maintenance products.
- (iv) Floor wax strippers.
- (v) Floor polishes or waxes.
- (vi) Products designed and labeled exclusively to preserve or color wood.

(175) "Wood floor wax" means wax based products for use solely on wood floors.

\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-2](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

### [326 IAC 8-15-3](#) Standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 3. (a) Except as provided in sections 4 through 6 of this rule, no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product manufactured on or after June 1, 2011, that contains VOCs in excess of the VOC content limits specified in the following table of standards:

Product Category	VOC Standard (percent VOC by weight)
<b>Adhesives:</b>	
Aerosol mist spray	65
Aerosol web spray	55
Special purpose spray adhesives:	
Mounting, automotive engine compartment, and flexible vinyl	70
Polystyrene foam and automotive headliner	65
Polyolefin and laminate repair or edgebanding	60
Construction, panel, and floor	15
Contact	80
Contact general purpose	55
Contact special purpose	80
General purpose	10
Structural waterproof	15
<b>Adhesive removers:</b>	
Floor or wall covering	5
Gasket or thread locking	50
General purpose	20
Specialty	70
<b>Air fresheners:</b>	
Single phase aerosol	30
Double phase aerosol	25

Liquids or pump sprays	18
Solids or semisolids	3
Antiperspirants:	
Aerosol	40 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC
Antistatic product, nonaerosol	11
Automotive brake cleaners	45
Automotive rubbing or polishing compound	17
Automotive wax, polish, sealant, or glaze:	
Hard paste waxes	45
Instant detailers	3
All other forms	15
Automotive windshield washer fluids	35
Bathroom and tile cleaners:	
Aerosol	7
All other forms	5
Bug and tar remover	40
Carburetor or fuel injection air intake cleaners	45
Carpet and upholstery cleaners:	
Aerosols	7
Nonaerosol (dilutables)	0.1
Nonaerosol (ready-to-use)	3.0
Charcoal lighter material <sup>1</sup>	
Cooking spray, aerosols	18
Deodorants:	
Aerosol	0 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC
Dusting aids:	
Aerosols	25
All other forms	7
Electrical cleaner	45
Electronic cleaner	75
Engine degreasers:	
Aerosol	35
Nonaerosol	5
Fabric protectants	60
Fabric refresher:	
Aerosol	15
Nonaerosol	6
Floor polishes or waxes:	
Products for flexible flooring materials	7
Products for nonresilient flooring	10
Wood floor wax	90
Floor wax strippers, nonaerosol <sup>2</sup>	
Footwear or leather care products:	
Aerosol	75
Solid	55
Other forms	15
Furniture maintenance products:	
Aerosol	17

All other forms except solid or paste	7
<b>General purpose cleaners:</b>	
Aerosol	10
Nonaerosol	4
<b>General purpose degreasers:</b>	
Aerosol	50
Nonaerosol	4
<b>Glass cleaners:</b>	
Aerosols	12
Nonaerosol	4
<b>Graffiti remover:</b>	
Aerosol	50
Nonaerosol	30
<b>Hair mousses</b>	6
<b>Hair shines</b>	55
<b>Hair sprays</b>	55
<b>Hairstyling gels</b>	6
<b>Hairstyling products:</b>	
Aerosol and pump sprays	6
All other forms	2
<b>Heavy-duty hand cleaner or soap</b>	8
<b>Insecticides:</b>	
Crawling bug (aerosol)	15
Crawling bug (all other forms)	20
Flea and tick	25
Flying bug (aerosol)	25
Flying bug (all other forms)	35
Foggers	45
Lawn and garden (nonaerosol)	3
Lawn and garden (all other forms)	20
Wasp and hornet	40
<b>Laundry prewash:</b>	
Aerosol or solids	22
All other forms	5
<b>Laundry starch products</b>	5
<b>Metal polish or cleaners</b>	30
<b>Multipurpose lubricant (excluding solid or semisolid products)</b>	50
<b>Nail polish remover</b>	75
<b>Nonselective terrestrial herbicide, nonaerosol</b>	3
<b>Oven cleaners:</b>	
Aerosol or pump sprays	8
Liquids	5
<b>Paint removers or strippers</b>	50
<b>Penetrants</b>	50
<b>Rubber and vinyl protectants:</b>	
Aerosol	10
Nonaerosol	3
<b>Sealants and caulking compounds</b>	4
<b>Shaving creams</b>	5
<b>Shaving gels</b>	7
<b>Silicone based multipurpose lubricants (excluding solid or semisolid products)</b>	60
<b>Spot removers:</b>	
Aerosol	25
Nonaerosol	8
<b>Tire sealants and inflators</b>	20

<b>Undercoatings, aerosol</b>	<b>40</b>
<b>Wood cleaner:</b>	
<b>Aerosol</b>	<b>17</b>
<b>Nonaerosol</b>	<b>4</b>

<sup>1</sup> See subsection (f) regarding charcoal lighter material standards.

<sup>2</sup> See subsection (h) regarding floor wax strippers.

(b) No person shall:

- (1) sell;
- (2) supply;
- (3) offer for sale; or
- (4) manufacture for sale;

in Indiana any antiperspirant or deodorant that contains any compound that has been identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 7, Section 93000\* as a toxic air contaminant.

(c) Products that are diluted prior to use shall satisfy the following requirements:

- (1) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the VOC content limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this rule, minimum recommended dilution shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.
- (2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.

(d) The following provisions apply to the sell-through of products:

- (1) Notwithstanding the provisions of subsections (a) and (g), a consumer product manufactured prior to the effective date of this rule, June 1, 2011, may be sold, supplied, or offered for sale after the effective date of this rule, June 1, 2011.
- (2) Subdivision (1) does not apply to any consumer product that does not display on the product container or package the date on which the product was manufactured, or a code indicating the date, in accordance with section 6(a) of this rule.

(e) For consumer products subject to this rule that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. Section 136, et seq.), the effective date of the VOC standards specified in subsection (a) is June 1, 2012.

(f) The following requirements apply to all charcoal lighter materials:

- (1) No person shall sell, supply, or offer for sale after June 1, 2011, any charcoal lighter material product unless at the time of the transaction the manufacturer can demonstrate that the product has been issued a currently effective certification by one (1) of the following:
  - (A) The CARB under the Consumer Products provisions under Subchapter 8.5, Article 2, Section 94509(h), of Title 17 of the California Code of Regulations. The certification remains in effect for Indiana for as long as the CARB certification remains in effect.
  - (B) A certification by an air pollution control agency of another state and the U.S. EPA. The certification must be current at the time of the transaction.
- (2) Upon request by the department, a manufacturer claiming certification in accordance with subdivision (1) shall submit to the department a copy of the certification decision, that is, the Executive Order, including all conditions established by CARB applicable to the certification.

(g) The following requirements apply to aerosol adhesives:

- (1) The VOC standards for aerosol adhesives apply to all uses of aerosol adhesives including consumer, industrial, and commercial uses. Except as otherwise provided in sections 4 and 5 of this rule, no person shall sell, supply, offer for sale, use, or manufacture for sale in Indiana any aerosol

adhesive that, at the time of sale, use, or manufacture, contains VOCs in excess of the VOC limits specified in subsection (a).

(2) In order to qualify as a special purpose spray adhesive, the product must meet one (1) or more of the definitions in section 2 of this rule, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one (1) of the definitions for special purpose spray adhesive, then the product shall be classified as either a web spray adhesive or a mist spray adhesive. If a product:

(A) meets more than one (1) of the definitions in section 2 of this rule for a special purpose spray adhesive; and

(B) is not classified as a web spray adhesive or mist spray adhesive;

then the VOC content limit for the product shall be the lowest applicable VOC content limit specified in subsection (a).

(3) Effective, June 1, 2011, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any aerosol adhesive that contains any of the following compounds:

(A) Methylene chloride.

(B) Perchloroethylene.

(C) Trichloroethylene.

(4) All aerosol adhesives must comply with the labeling requirements specified in section 7 of this rule.

(h) The following requirements apply to floor wax strippers:

(1) The label of each nonaerosol floor wax stripper must specify a dilution ratio for light or medium buildup of polish that results in an as-used VOC concentration of three percent (3%) by weight or less.

(2) If a nonaerosol floor wax stripper is also intended to be used for removal of heavy buildup of polish, the label of that floor wax stripper must specify a dilution ratio for heavy buildup of polish that results in an as-used VOC concentration of twelve percent (12%) by weight or less.

(3) The terms "light buildup", "medium buildup", or "heavy buildup" are not specifically required as long as comparable terminology is used.

(i) The following requirements apply to products containing ozone depleting compounds:

(1) For any consumer product subject to subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product that contains any of the following ozone depleting compounds:

(A) Trichlorofluoromethane (CFC-11).

(B) Dichlorodifluoromethane (CFC-12).

(C) 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113).

(D) 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114).

(E) Chloropentafluoroethane (CFC-115).

(F) Bromochlorodifluoromethane (Halon 1211).

(G) Bromotrifluoromethane (Halon 1301).

(H) Dibromotetrafluoroethane (Halon 2402).

(I) Chlorodifluoromethane (HCFC-22).

(J) 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123).

(K) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).

(L) 1,1-dichloro-1-fluoroethane (HCFC-141b).

(M) 1-chloro-1,1-difluoroethane (HCFC-142b).

(N) 1,1,1-trichloroethane.

(O) Carbon tetrachloride.

(2) The requirements in subdivision (1) shall not apply to any existing product formulation that:

(A) complies with the VOC content limits listed in subsection (a); or

(B) is reformulated to meet the VOC content limits in subsection (a) provided the ozone depleting compound content of the reformulated product does not increase.

(3) The requirements of subdivision (1) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than one-hundredth of one percent (0.01%) by weight of the product.

(j) The following requirements apply to adhesive removers, contact adhesives, electrical cleaners, electronic cleaners, footwear or leather care products, general purpose degreasers, and graffiti removers:

(1) Except as provided in subdivisions (2) and (4), effective June 1, 2011, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any adhesive remover, contact adhesive, electrical

cleaner, electronic cleaner, footwear or leather care product, general purpose degreaser, or graffiti remover that contains any of the following compounds:

- (A) Methylene chloride.
- (B) Perchloroethylene.
- (C) Trichloroethylene.

(2) Products manufactured before June 1, 2011, may be sold, supplied, or offered for sale until June 1, 2014, so long as the product container or package displays the date on which the product was manufactured, or a code indicating the date, in accordance with section 7(a) of this rule.

(3) Any person who sells or supplies a consumer product identified in subdivision (1) must notify the purchaser of the product in writing that the sell-through period for that product will end on June 1, 2014 if both of the following conditions are met:

- (A) The product is sold or supplied to a distributor or retailer.
- (B) The product is sold or supplied on or after May 31, 2014.

(4) The requirements of subdivisions (1) and (3) shall not apply to any adhesive remover, contact adhesive, electrical cleaner, electronic cleaner, footwear or leather care product, general purpose degreaser, or graffiti remover containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than one-hundredth of one percent (0.01%) by weight.

\*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-3](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

#### [326 IAC 8-15-4 Exemptions](#)

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 4. (a) This rule shall not apply to any consumer product manufactured in Indiana for shipment and use outside of Indiana.

(b) This rule shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in Indiana a consumer product that does not comply with the VOC standards specified in section 3(a) of this rule, as long as the manufacturer or distributor can demonstrate both that the:

- (1) consumer product is intended for shipment and use outside of Indiana; and
- (2) manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed in Indiana.

(c) Subsection (b) does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in Indiana.

(d) A retailer who sells, offers for sale, or holds for sale in Indiana a consumer product that violates the VOC content limits specified in section 3(a) of this rule will not be in violation of this rule if the retailer:

- (1) upon determining that a noncomplying product was purchased, immediately discontinues sale of the consumer product in Indiana; and
- (2) demonstrates to the satisfaction of the department that the purchase was made with reasonable good faith efforts to assure that the product met the applicable requirements of this rule. Good faith efforts may be demonstrated by the following:
  - (A) Written communication between the retailer and the manufacturers and distributors that the retailer will accept only consumer products for sale in Indiana that comply with this rule.
  - (B) Written agreements between the retailer and the manufacturers and distributors in which the manufacturers and distributors commit to supply to the retailer only consumer products that comply with this rule.
  - (C) The retailer's use of invoices, purchase orders, and other contractual and billing documents that specify that the retailer will only accept consumer products that comply with this rule.



(e) The MVOC content standards specified in section 3(a) of this rule for antiperspirants or deodorants shall not apply to ethanol.

(f) The VOC limits specified in section 3(a) of this rule shall not apply to the following:

(1) Fragrances up to a combined level of two percent (2%) by weight contained in any consumer product and shall not apply to colorants up to a combined level of two percent (2%) by weight contained in any antiperspirant or deodorant.

(2) Antiperspirants or deodorants, for those VOCs that contain more than ten (10) carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of two (2) mm Hg or less at twenty (20) degrees Celsius.

(3) Any LVP-VOC.

(4) Air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under section 2 of this rule or exempted under subdivision (3).

(5) Insecticides containing at least ninety-eight percent (98%) para-dichlorobenzene.

(6) Adhesives sold in containers of one (1) fluid ounce or less.

(7) Bait station insecticides. For purposes of this subsection, "bait station insecticides" means containers enclosing an insecticidal bait that is not more than five-tenths (0.5) ounce by weight, where the bait is:

(A) designed to be ingested by insects; and

(B) composed of solid material feeding stimulants with less than five percent (5%) active ingredients.

(g) The requirements of section 7(a) of this rule shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.).

(Air Pollution Control Board; [326 IAC 8-15-4](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

### [326 IAC 8-15-5](#) Innovative products exemption

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 5. (a) A consumer product is exempt from the VOC limit requirements of section 3(a) of this rule if the manufacturer has been granted an innovative product exemption by one (1) of the following:

(1) The CARB under the Innovative Products provisions in:

(A) Subchapter 8.5, Article 2, Section 94511 of Title 17 of the California Code of Regulations; or

(B) Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the California Code of Regulations.

(2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with an innovative products exemption provision substantially equivalent to the OTC "Model Rule for Consumer Products", September 13, 2006.

(b) An innovative products exemption in accordance with subsection (a) shall be valid for use in Indiana when all of the following requirements are met:

(1) The innovative product exemption is still in effect and has not expired.

(2) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(1) shall do the following:

(A) Submit to the department a copy of the CARB innovative product exemption decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.

(B) Maintain all information specified in the innovative product exemption approving an innovative product application for a minimum of three (3) years after the expiration of the exemption.

(C) Make all records available to the department or the U.S. EPA upon request.

(3) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(2) shall certify to the department the following:

(A) The product (including its form) for which the innovative products exemption is being used to comply with this rule satisfies the following requirements:

(i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.

(ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the innovative products exemption is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.

(B) The manufacturer must demonstrate to the department by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems, or other fact, the use of the product will result in less VOC emissions compared to either the VOC emissions from a representative chemically formulated consumer product that complies with the VOC content limits in section 3(a) of this rule, or as compared to the calculated VOC emissions from a noncomplying representative product, if the product has been reformulated to comply with the VOC limits specified in section 3(a) of this rule.

(C) Prior to relying on an innovative products exemption for compliance, the manufacturer must submit to the department the following information:

(i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an innovative products exemption rather than meet the applicable VOC content limits in section 3(a) of this rule.

(ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).

(iii) A copy of the following:

(AA) The documents setting forth the innovative products exemption.

(BB) The issuing state's air pollution control agency's approval.

(CC) The issuing state's air pollution control agency's conditions of approval.

(DD) The demonstration of clause (B).

(EE) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.

(FF) Documentation demonstrating compliance with the innovative products exemption.

(iv) A statement that the innovative products exemption and the product or products for which the innovative products exemption is being used conform with the requirements of clauses (A) and (B) and this clause.

(c) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those innovative products that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective date of the limits.

(d) If the consumer product for which an exemption has been granted no longer meets the criteria for an innovative product exemption, the department may revoke the exemption as necessary.

*(Air Pollution Control Board; [326 IAC 8-15-5](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))*

### **[326 IAC 8-15-6](#) Alternative control plan**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 6. (a) The purpose of this section is to provide an alternative method to comply with the limits in section 3(a) of this rule by allowing responsible alternative control plan (ACP) parties the option of voluntarily entering into separate ACPs for consumer products as specified in this section. Only responsible ACP parties for consumer products may enter into an ACP.

(b) Any manufacturer of consumer products shall be exempt from the VOC limit requirements of section 3(a) of this rule if they have been granted an ACP agreement by one (1) of the following:

(1) The CARB under the provisions in Subchapter 8.5, Article 4, Sections 9450-94555, of Title 17 of the California Code of Regulations.

(2) The air pollution control agency of another state that has adopted a consumer and commercial

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product rule with ACP provisions substantially equivalent to the OTC "Model Rule for Consumer Products", September 13, 2006.

(c) An ACP agreement in accordance with subsection (b) shall be valid for use in Indiana when all of the following requirements are met:

(1) The ACP agreement is in effect and has not expired.  
(2) The responsible ACP party claiming an exemption in accordance with subsection (b)(1) shall do the following:

(A) Submit to the department the following:

- (i) A copy of the CARB ACP decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.
- (ii) A statement that all ACP products within the ACP agreement are subject to the VOC limits in section 3(a) of this rule.

(B) Maintain all information specified in the ACP agreement approving an ACP exemption for a minimum of three (3) years after the expiration of the ACP.

(C) Make all records available to the department or the U.S. EPA upon request.

(3) The responsible ACP party claiming an exemption in accordance with subsection (b)(2) shall certify to the department the following:

(A) The product (including its form) for which ACP agreement exemption is being used to comply with this rule satisfies the following requirements:

- (i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.
- (ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the ACP agreement is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.

(B) Prior to relying on an ACP agreement for compliance, the responsible ACP party must submit to the department the following information:

- (i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an ACP agreement rather than meet the applicable VOC content limits in section 3(a) of this rule.
- (ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).
- (iii) A copy of the following:
  - (AA) The documents setting forth the ACP agreement.
  - (BB) The issuing state's air pollution control agency's approval.
  - (CC) The issuing state's air pollution control agency's conditions of approval.
  - (DD) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.
  - (EE) Documentation demonstrating compliance with the ACP agreement.
- (iv) A statement that the ACP agreement and the product or products for which the ACP agreement is being used conform with the requirements of clause (A) and this clause.

(d) The responsible ACP party shall notify the department, in writing, of any change not later than fifteen (15) working days from the date that a change occurs in an ACP product's:

- (1) name;
- (2) formulation;
- (3) form;
- (4) function;
- (5) applicable product category or categories;
- (6) VOC content;
- (7) LVP content;
- (8) date codes; or
- (9) recommended product usage directions.

(e) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all ACP agreements granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those ACP agreements that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been

submitted to and approved by the department at least sixty (60) days before the effective dates of the limits.

(f) The responsible ACP party shall notify the department, in writing, upon learning that a requirement of subsection (c) is no longer satisfied.

(g) If the ACP agreement does not meet the requirements of subsection (c), the department may revoke the exemption as necessary.

(Air Pollution Control Board; [326 IAC 8-15-6](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

### [326 IAC 8-15-7](#) Administrative requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 7. (a) Each manufacturer of a consumer product subject to this rule shall clearly display on each consumer product container or package, the day, month, and year that the product was manufactured, or a code indicating the date according to the following requirements:

(1) A manufacturer who uses the following code to indicate the date of manufacture shall not be subject to the requirements of subsection (b) if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = year year day day day

Where: YY = two (2) digits representing the year in which the product was manufactured; and  
DDD = three (3) digits representing the day of the year on which the product was manufactured, with 001 representing the first day of the year, 002 representing the second day of the year, and so forth, that is, the Julian date.

(2) The date or code shall be displayed on each consumer product container or package not later than June 1, 2011.

(3) The date or code information shall be located on the container or inside the cover or cap so that it is readily observable or obtainable without irreversibly disassembling any part of the container or packaging. For the purpose of this subdivision, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(4) The requirements of this subsection shall not apply to product containing no VOCs or containing VOCs at one-tenth percent (0.10%) by weight or less.

(b) Additional product dating requirements are as follows:

(1) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to this rule, an explanation of the date portion of the code shall be filed with the department no later than June 1, 2011.

(2) If a manufacturer changes any code indicating the date of manufacture for any product subject to subdivision (1), an explanation of the modified code shall be submitted to the department before any products displaying the modified code are sold, supplied, or offered for sale in Indiana.

(3) No person shall:

- (A) erase;
- (B) alter;
- (C) deface;
- (D) otherwise remove; or
- (E) make illegible;

any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.

(4) Date code explanations for codes indicating the date of manufacture:

- (A) are public information; and
- (B) may not be claimed as confidential.

(c) Additional labeling requirements for aerosol adhesives, adhesive removers, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesives are as follows:

(1) In addition to the requirements specified in this section and section 7 of this rule, both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesive product subject to this rule shall ensure that all products clearly display the following information on each product container that is manufactured on or after June 1, 2011:

(A) The product category as specified in section 3(a) of this rule or an abbreviation of the category.

(B) The applicable VOC standard for the product as specified in section 3(a) of this rule, except for energized electrical cleaner, expressed as a percentage by weight, unless the product is included in an ACP approved by the department in accordance with section 5 of this rule, and the product exceeds the applicable VOC content limit.

(C) If the product is included in an approved ACP and the product exceeds the applicable VOC content limits in section 3(a) of this rule, the product shall be labeled with the term "ACP" or "ACP product".

(D) If the product is classified as a special purpose spray adhesive, the applicable substrate or application, or both, or an abbreviation of the substrate or application that qualifies the product as special purpose.

(E) If the manufacturer or responsible party uses an abbreviation as allowed by clause (D), an explanation of the abbreviation must be filed with the department before the abbreviation is used.

(2) The information required by subsection (a) shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this rule, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(3) No person shall:

(A) remove;

(B) alter;

(C) conceal; or

(D) deface;

the information required in subdivision (1) prior to final sale of the product.

(d) The following most restrictive limits apply:

(1) For products manufactured before June 1, 2011, and FIFRA registered insecticides manufactured before June 1, 2012, the following apply:

(A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the principal display panel of any consumer product any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.

(B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.

(2) For products manufactured on or after June 1, 2011, and FIFRA registered insecticides manufactured on or after June 1, 2012, the following apply:

(A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the container or packaging of any consumer product, or on any sticker or label affixed thereto, any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.

(B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.

(Air Pollution Control Board; [326 IAC 8-15-7](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

### [326 IAC 8-15-8](#) Record keeping and reporting requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 8. (a) The department may require any responsible party to report information, within ninety (90) days written notice, for any consumer product or products the department may specify, including, but not

limited to, all or part of the following information:

- (1) The name, address, and telephone number of the responsible party and the name and telephone number of the responsible party's designated contact person.
- (2) Any claim of confidentiality made under [326 IAC 17.1](#).
- (3) The product brand name for each consumer product and the product label.
- (4) The product category to which the consumer product belongs.
- (5) The applicable product form or forms listed separately.
- (6) An identification of each product brand name and form as a "Household Product" or "I & I Product", or both.
- (7) Separate Indiana sales in pounds per year, to the nearest pound, and the method used to calculate Indiana sales for each product form.
- (8) For information submitted by multiple companies, an identification of each company that is submitting relevant data, separate from that submitted by the responsible party. All information from all companies shall be submitted within ninety (90) days written notice from the department.
- (9) For each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth percent (0.1%):
  - (A) Total of Table B compounds.
  - (B) Total of LVP-VOCs that are not fragrances.
  - (C) Total of all other carbon containing compounds that are not fragrances.
  - (D) Total of all noncarbon containing compounds.
  - (E) Total of fragrance.
  - (F) For products containing greater than two percent (2%), by weight, fragrance:
    - (i) the percent of fragrance that is LVP-VOCs; and
    - (ii) the percent of fragrance that is all other carbon containing compounds.
  - (G) Total of para-dichlorobenzene.
- (10) For each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:
  - (A) Each Table B compound.
  - (B) Each LVP-VOC that is not a fragrance.
- (11) If applicable, the weight percent comprised of propellant for each product.
- (12) If applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types).

(b) If the responsible party does not have or does not provide the information requested, the department may require the reporting of this information by the person that has the information, including, but not limited to, any of, the following:

- (1) The formulator.
- (2) The manufacturer.
- (3) The supplier.
- (4) The parent company.
- (5) The private labeler.
- (6) The distributor.
- (7) The repackager.

(c) The following special reporting requirements apply to consumer products subject to this rule that contain perchloroethylene or methylene chloride:

- (1) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in Indiana upon request of the department within ninety (90) days written notice:
  - (A) The product brand name and a copy of the product label with legible usage instructions.
  - (B) The product category to which the consumer product belongs.
  - (C) The applicable product form or forms (listed separately).
  - (D) For each product form listed, the total sales in Indiana during the calendar year, to the nearest pound (exclusive of the container and packaging), and the method used for calculating the Indiana sales.
  - (E) The weight percent, to the nearest one-tenth percent (0.10%), of perchloroethylene and methylene chloride in the consumer product.
- (2) For purposes of this subsection, "contains perchloroethylene or methylene chloride" means the product contains one percent (1.0%) or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.

(d) Persons subject to this rule shall do the following:

- (1) Maintain all records for a minimum of three (3) years.
- (2) Make records available to the department and U.S. EPA upon request.

(e) Any person supplying information under this rule may request that the information be kept confidential as trade secret information, and the department will evaluate the claim in accordance with [326 IAC 17.1](#).

(Air Pollution Control Board; [326 IAC 8-15-8](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

### [326 IAC 8-15-9](#) Test methods

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 9. (a) Testing to determine compliance with the VOC content limits specified in section 3(a) of this rule shall be performed by either the manufacturer or responsible party using either of the following:

- (1) CARB Method 310\*, "Determination of Volatile Organic Compounds in Consumer Products".
- (2) An alternative method that is shown to accurately determine the concentration of VOCs in a product. The alternative method must first be approved in writing by the department and U.S. EPA.

(b) Compliance with the VOC content limits specified in section 3(a) of this rule may be demonstrated through calculation of the VOC content of a consumer product from records of the amounts of constituents used to make the product (excluding packaging), under the following criteria:

(1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. A manufacturer or responsible party subject to this rule shall do the following:

- (A) Maintain all records for a minimum of three (3) years.
- (B) Make records available to the department and U.S. EPA upon request.

(2) For purposes of this section, the VOC content of a product shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{B - C}{A} \times 100$$

Where: A = Total net weight of a unit of product (excluding any packaging).  
B = Total weight of all VOCs, per unit.  
C = Total weight of VOCs exempted, per unit.

(3) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using CARB Method 310\*, the results of CARB Method 310\*:

- (A) shall take precedence over the product records; and
- (B) may be used to establish a violation of the requirements of the VOC content limits in section 3(a) of this rule.

(c) Testing to determine whether a product is a liquid or a solid shall be performed using ASTM D4359-90(2000)e1 "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid"\*.

(d) Testing to determine distillation points of petroleum distillate based charcoal lighter materials shall be performed using ASTM D86-04b "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure"\*.

(e) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect:

- (1) the constituents used to manufacture a product;

- (2) the chemical composition of the individual product; and
- (3) any other test, processes, or records used in connection with product manufacture.

**\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; [326 IAC 8-15-9](#); filed Nov 1, 2010, 12:38 p.m.: [20101201-IR-326070351FRA](#))

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Documents Incorporated by Reference: ASTM Standard E260-96(2006), "Standard Practice for Packed Column Gas Chromatography", ASTM International, West Conshohocken, PA 19428; ASTM Standard D4359-90(2000)e1, "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid", ASTM International, West Conshohocken, PA 19428; Method 310, "Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products", California Air Resources Board, [www.arb.ca.gov/testmeth/cptm/Method310.pdf](http://www.arb.ca.gov/testmeth/cptm/Method310.pdf); Federal Specification MMM-A-181D, "Federal Specification for Adhesives, Phenol, Resorcinol or Melamine Base", 1980, <http://www.wbdg.org/ccb/FEDMIL/mmma181d.pdf>; California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Section 94508, "Definitions"; California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 7, Section 93000, "Substances Identified as Toxic Air Contaminants"; ASTM Standard D86-04b, "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure", ASTM International, West Conshohocken, PA 19428

Small Business Regulatory Coordinator: Alison Beumer, IDEM Compliance and Technical Assistance Program - OPPTA, MC 60-04 IGCS W041, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8172 or (800) 988-7901, [ctap@idem.in.gov](mailto:ctap@idem.in.gov)

Small Business Assistance Program Ombudsman: Brad Baughn, IDEM Small Business Assistance Program Ombudsman, MC 50-01 IGCN 1307, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 234-3386, [bbaughn@idem.in.gov](mailto:bbaughn@idem.in.gov)

Posted: 12/01/2010 by Legislative Services Agency

An [html](#) version of this document.




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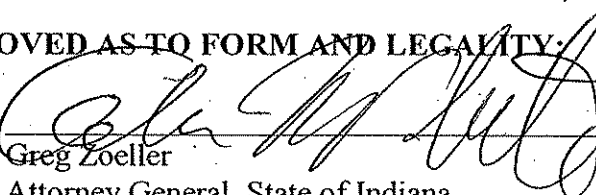
# Rule Signature Page

Rule #: LSA #07-351(F)  
Agency: Air Pollution Control Board  
Subject: Consumer and Commercial Products VOC Rule

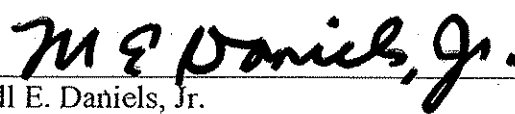
## ADOPTED:

By:  Date: 7/1/2010  
James Miner, M.D.  
Chairman  
Air Pollution Control Board  
TRA

## APPROVED AS TO FORM AND LEGALITY:

By:  Date: 10/26/10  
Greg Zoeller  
Attorney General, State of Indiana

## APPROVED:

By:  Date: 10/29/10  
Mitchell E. Daniels, Jr.  
Governor, State of Indiana

## ACCEPTED FOR FILING:

By: \_\_\_\_\_ Date: \_\_\_\_\_

TITLE 326 AIR POLLUTION CONTROL BOARD  
LSA Document #07-351(FR)

Filed with Publisher: November 1, 2010. 12:38 p.m.  
By: Kks

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**TITLE 326 AIR POLLUTION CONTROL BOARD****SECOND NOTICE OF COMMENT PERIOD**

LSA Document #07-351

**DEVELOPMENT OF NEW RULES CONCERNING EMISSIONS OF VOLATILE ORGANIC COMPOUNDS FROM CONSUMER AND COMMERCIAL PRODUCTS****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for a new rule at [326 IAC 8-15](#) concerning emissions of volatile organic compounds from consumer and commercial products in Indiana. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**HISTORY**

First Notice of Comment Period: June 27, 2007, Indiana Register (DIN: [20070627-IR-326070351FNA](#)).

**CITATIONS AFFECTED:** [326 IAC 8-15](#).

**AUTHORITY:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#); [IC 13-17-3-12](#).

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING****Basic Purpose and Background**

In the April 30, 2004, Federal Register (69 FR 23858), the U.S. EPA designated 23 counties as nonattainment for the 8-hour ozone standard of 0.085 parts per million (ppm). While the majority of Indiana has attained the current 8-hour ozone standard, it is prudent for Indiana to consider implementing additional cost-effective measures to reduce emissions that contribute to the formation of ozone. The reasons for considering additional reductions include the narrow margin between Indiana's current air quality and the current standard of 0.085 ppm, a number of Indiana counties do not meet the new 8-hour ozone standard of 0.075 ppm that the U.S. EPA issued on March 12, 2008, and the concerns expressed by other states that emissions from Indiana are contributing to their inability to attain the standard (the Clean Air Act provides a legal mechanism for those states to require Indiana to reduce Indiana's potential contribution to nonattainment in other states).

In an effort to assist neighboring states in the development of SIPs to comply with the federal requirements, the Lake Michigan Air Directors Consortium (LADCO) has been working with its member states to identify and recommend regional controls that would help states bring areas back into attainment for the 8-hour ozone standard. The LADCO states include Illinois, Indiana, Michigan, Ohio, and Wisconsin. The LADCO states have discussed applying certain VOC control measures to all counties in the region in order to provide a general benefit to all ozone and fine particle nonattainment areas. LADCO has evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. Based on discussions with other LADCO states and information provided by LADCO, IDEM proposes to develop a consumer and commercial products rule for Indiana as part of a regional effort to control ozone. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone and fine particle nonattainment. Other VOC control rules include automobile refinishing, architectural and industrial maintenance coatings, organic solvent degreasing, and stage I vapor recovery.

Consumer and commercial products are those items sold to retail customers for personal, household, or automotive use along with products marketed by wholesale distributors for use in commercial or institutional settings, such as beauty shops, schools, and hospitals. VOC emissions from these products are the result of evaporation of propellant and organic solvents during use. Consumer and commercial products include personal care products, household, automotive products, adhesives, and sealants, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) related insecticides, coatings (except coatings for architectural and industrial maintenance), and other miscellaneous products.

The U.S. EPA published the federal consumer and commercial products rule on September 11, 1998 (40 CFR Part 59, Subpart C) under the authority of Section 183(e) of the Clean Air Act. The federal rule limits the VOC content of 24 consumer product categories representing 47% of the consumer and commercial products inventory nationwide and requires all regulated products manufactured after December 10, 1998, to meet VOC content limits.

The Ozone Transport Commission (OTC) was created under the Clean Air Act and is responsible for advising the U.S. EPA on transport issues, with development and implementation of regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. It includes 12 states from Virginia to Maine and the District of Columbia. Since over half of the U.S. consumer and commercial products inventory is unregulated by

the federal rule, the OTC formed a workgroup to consider a model rule to reduce VOC emissions in consumer and commercial products. The OTC's final model rule for consumer and commercial products regulates approximately 80 consumer and commercial product categories and includes technologically feasible VOC content limits that are more stringent than the federal consumer and commercial products rule. The emission reductions for the OTC model rule are estimated to be 14.2% of the total product inventory beyond the reduction from the federal consumer and commercial products rule. The OTC model rule includes regulatory flexibility provisions for innovative products and alternative control plans.

To date, nine of the 13 member states have an effective rule including Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. The other four member states are in the process of considering or adopting the OTC model rule. The LADCO states have committed to adopt the OTC model rule. Michigan and Ohio have adopted state versions of the OTC model rule, and Illinois has a state rule moving towards final adoption.

VOC emissions reductions can be obtained through product reformulation to obtain a lower VOC content. The product reformulation options vary with each product category and can involve: (1) replacing VOC solvents with a water-based reformulation; (2) replacing VOC solvents with acetone or another exempt solvent; (3) increasing the solids content of the product; (4) formulating a non-VOC propellant; or (5) changing the valve, container, or delivery system to reduce VOC content. The regulatory approach for reducing emissions is to establish VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

The U.S. EPA is expected to propose amendments to the consumer and commercial product rules in 2008 with final rules expected in early 2009. These rules will most likely be based on the OTC model rule. At this time, U.S. EPA has not published the proposed amendments to the national consumer and commercial products rules.

In this rulemaking, Indiana is proposing to add a consumer and commercial products rule to the Article 8 VOC rules. The proposed rule is primarily based on the OTC model rule dated September 13, 2006. This rulemaking will contribute to the LADCO states' regional control efforts for VOC and will assist counties in reaching attainment or maintaining compliance for the newly revised 8-hour ozone standard. Upon completion, this rule will be submitted to the U.S. EPA for approval into the SIP and, along with other regional and state measures, will aid air pollution control efforts in Indiana.

#### **IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law**

The following element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL element or elements).

The following information is provided with each NIFL element:

- (1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and examples in which federal law is inadequate to provide this protection for Indiana.
- (2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.
- (3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element A: The draft rule regulates additional categories of consumer and commercial products and establishes more stringent VOC limits than the current consumer and commercial products federal rule (40 CFR Part 59, Subpart C).

- (1) The application of certain VOC control measures to all consumer and commercial products in Indiana will provide a general benefit to nonattainment areas. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone nonattainment.
- (2) The fiscal impact of compliance is estimated to be approximately \$800 per ton for the OTC Model Rule emission limits. However, because many of the large consumer and commercial products producers already have experience with reformulating to the OTC limits, the cost of compliance in Indiana will likely be less than \$800 per ton.
- (3) LADCO evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. The information used for the evaluation is presented in a white paper on Consumer and Commercial Products at:

[http://www.ladco.org/Regional\\_Air\\_Quality.html](http://www.ladco.org/Regional_Air_Quality.html)

#### **Potential Fiscal Impact**

The OTC model rule estimates a 14.2% reduction in VOC emissions beyond the federal consumer and commercial products rule at an estimated cost of \$800 per ton controlled. However, costs are expected to be lower than \$800 per ton. Many of the large consumer and commercial products producers already have experience with reformulating to the OTC limits. Additionally, multiple states have adopted the OTC model rule,

and therefore compliance costs are spread over a larger portion of sales.

### **Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

[www.in.gov/idem/4108.htm](http://www.in.gov/idem/4108.htm)

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface  
IDEM Compliance and Technical Assistance Program  
OPPTA - MC60-04  
100 North Senate Avenue  
W041  
Indianapolis, IN 46204-2251  
(317) 232-8172  
[ctap@idem.in.gov](mailto:ctap@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Megan Tretter  
IDEM Small Business Assistance Program Ombudsman  
MC50-01 - IGCN 1307  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 234-3386  
[mtretter@idem.in.gov](mailto:mtretter@idem.in.gov)

### **Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Amy Smith, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

### **SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from June 27, 2007, through July 27, 2007, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Automotive Specialty Products Alliance (ASPA)  
Consumer Specialty Products Association (CSPA)  
Cosmetic, Toiletry, and Fragrance Association (CTFA)

Following is a summary of the comments received and IDEM's responses thereto:

*Comments:* The Automotive Specialty Products Alliance (ASPA) strongly supports Alternative #2, that IDEM defer action in light of EPA's pending revisions to the National Consumer Products Rule. ASPA supports this action by the EPA because the promulgation of a uniform national regulation will ensure that interstate commerce is not impaired by the promulgation of different (and potentially conflicting) state-specific regulations. ASPA strongly urges IDEM to suspend any future action to develop a proposed regulation and pursue Alternative #2 and work with the EPA in developing revisions to the National Consumer Products Rule. (ASPA)

The Consumer Specialty Products Association (CSPA) urges IDEM to pursue Alternative #2 and join other states in working with the EPA in developing revisions to the National Consumer Products Rule. (CSPA)

The Cosmetic, Toiletry, and Fragrance Association (CTFA) asks that IDEM suspend its intended regulatory action on Consumer and Commercial Products in deference to the EPA rulemaking that is currently underway. Avoiding an additional state rulemaking proceeding would substantially simplify compliance and enforcement, reduce the costs of regulation, and dispel any chance of unintended but significant differences between the regulations. (CTFA)

*Response:* The U.S. EPA has not yet published the proposed amendments to the National Consumer Products Rule. The May 30, 2007, memorandum issued by Mr. Stephen Page, director of the U.S. EPA's Office of Air Quality Planning and Standards, to U.S. EPA Regional Offices and all states preparing ozone State Implementation Plans stated that the U.S. EPA was planning to propose the revised consumer products regulations in either August or September of 2007 followed by promulgation as a final rule in December 2007, with new limits to take effect on January 1, 2009. IDEM did not proceed with this rulemaking in 2007 due to the expectation that the revised federal rules would be promulgated. However, to date, the U.S. EPA has not published their proposed revisions, and IDEM is now moving forward with this rulemaking. When the U.S. EPA publishes their proposed amendments to the federal rule, IDEM will update the rulemaking or final rule as necessary to ensure consistency with the federal regulations.

*Comments:* If IDEM pursues Alternative #1 (adoption of the OTC model rule), ASPA emphasizes the importance of promulgating uniform regulations for consumer products throughout the Midwest Region. ASPA supports the recently revised OTC model rule because it promotes uniform state regulations across the country. The VOC limits set forth in the OTC model rule may pose a significant challenge for small and medium sized companies that manufacture and market their products on a regional (as opposed to a nationwide) basis and thus, are not subject to the California (or OTC-based) VOC limits. However, ASPA supports the promulgation of uniform regulations because it is vitally important that interstate commerce is not impaired by the promulgation of different state regulations in the Midwest, Northeast, and Mid-Atlantic Regions. (ASPA)

If IDEM elects to pursue Alternative #1 and initiates the rulemaking process to adopt provisions of the recently revised OTC model rule, CSPA is on record as supporting the OTC model rule. CSPA has supported regulations based on the OTC Model Rule in nine Mid-Atlantic and Northeast States, Michigan, and the District of Columbia. CSPA strongly believes that it is critically important that Indiana and other Midwest States promulgate uniform regulatory requirements for consumer products to improve air quality without imposing unnecessary impediments to interstate commerce. (CSPA)

*Response:* IDEM understands the importance of consistency for a rulemaking that affects consumer and commercial products producers nationwide. IDEM is proposing to move forward and adopt the a rule that is substantively based on the OTC model rule (Alternative #1).

*Comment:* Indiana would have to commit a proportionate amount of personnel and resources if they elect to initiate a new state-specific regulatory program. However, IDEM's staff and resource commitment would be greatly reduced if IDEM relies upon the revised and soon-to-be-proposed National Consumer Products Rule. (CSPA)

*Response:* IDEM is proposing to adopt a rule based on the OTC model rule dated September 13, 2006. The U.S. EPA's revisions to the National Consumer and Commercial Products Rule are expected to be similar to the requirements in the OTC model rule. IDEM does not expect any significant increase in staff or resource commitment in order to implement the proposed consumer and commercial products rule.

*Comment:* CSPA believes that IDEM's assessment of the potential fiscal impact of the adopting the OTC model rule underestimates the significant costs to manufacturers, retailers and consumers. CSPA believes that the cost assessments do not take into account the administrative burdens of the regulations on manufacturers and retailers which may be passed on in some cases to consumers. However, in assessing the costs of complying with a regulation in Indiana, since many consumer products have been reformulated to meet the stringent California standards, much of the costs have already been absorbed by manufacturers who market their products on a nationwide basis. But, there are a significant number of Indiana-based or regional companies that make products that are not subject to California's (or other states') VOC limits. Thus, these companies will incur substantial costs to reformulate their products to meet either the EPA's soon-to-be-proposed revised National Rule or the OTC model rule. CSPA urges IDEM to more accurately calculate the fiscal impact on these small businesses. (CSPA)

*Response:* IDEM acknowledges that companies whose products are not distributed nationwide may have higher compliance costs than companies that currently sell products in states with the proposed OTC model rule emission limits. However, these regional companies will also be subject to any revisions that the U.S. EPA makes to the National Consumer and Commercial Products rule. This rulemaking will bring these companies into compliance before the federal rule is revised therefore reducing future compliance costs.

*Comment:* If IDEM adopts the OTC model rule, IDEM should set January 1, 2009 as the compliance date for the new VOC limits and related administrative and enforcement provisions. Additionally, a January 1, 2009 compliance date for all product categories would be consistent with the effective date in the revised OTC model rule. (ASPA) and (CSPA)

Reformulation of consumer products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Indiana Pesticide Registration Law requires approval by both EPA and the Office of Indiana State Chemist. The additional level of federal and state regulatory review required for a change in product formulation is burdensome. The OTC model rule provides an explicit one year extension for complying with applicable VOC limits. CSPA strongly urges IDEM to provide this reasonable and necessary provision in any future regulatory action. (CSPA)

*Response:* IDEM will not complete this rulemaking by the OTC model rule compliance date of January 1, 2009. Therefore, IDEM is proposing to set the effective date as July 1, 2010 in order to give affected sources in Indiana additional time for compliance.

IDEM will grant a one year extension from the date of compliance for those consumer products that are regulated under FIFRA.

*Comment:* CSPA believes that IDEM incorrectly calculates the emission reductions credits that states may include in SIP revisions. IDEM appears to rely on the LADCO Interim White Paper on Consumer Products dated March 10, 2006, and/or the LADCO document entitled "Identification and Evaluation of Candidate Control Measures, Phase II Final Report," dated June 2006. Since the issuance of the EPA's Page Memo on May 20, 2007, the conclusions present in both of these LADCO documents are now erroneous and irrelevant. CSPA urges

IDEM to use the correct amount of emission reductions credits that may be claimed from reliance on the soon-to-be-proposed EPA revised National Rule. (CSPA)

*Response:* IDEM acknowledges that the emission reductions credits in the LADCO documents are no longer relevant after the publication of the U.S. EPA's May 30, 2007, memorandum from Mr. Stephen D. Page, Director of the Office of Air Quality Planning and Standards. IDEM has made the necessary corrections.

### REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#07-351 (APCB) Consumer and Commercial Products  
Amy Smith Mail Code 61-50  
c/o Administrative Assistant  
Rules Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

### COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by February 20, 2009.

Additional information regarding this action may be obtained from Amy Smith, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

### DRAFT RULE

SECTION 1. [326 IAC 8-15](#) IS ADDED TO READ AS FOLLOWS:

#### Rule 15. Standards for Consumer and Commercial Products

##### [326 IAC 8-15-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

**Sec. 1. This rule applies to any person who:**

- (1) sells;
- (2) supplies;
- (3) offers for sale; or
- (4) manufactures;

**consumer products, on or after July 1, 2010, for use in Indiana.**

*(Air Pollution Control Board; [326 IAC 8-15-1](#))*

##### [326 IAC 8-15-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-11-2-158](#); [IC 13-12](#); [IC 15-16-4](#)

**Sec. 2. The following definitions apply throughout this rule:**

- (1) "ACP" means alternative control plan.
- (2) "ACP agreement" means the document that:
  - (A) includes the conditions and requirements of the ACP; and
  - (B) allows manufacturers to sell ACP products in Indiana in accordance with section 6 of this rule.



**(3) "ACP product" means any consumer product subject to the VOC content limits specified in section 3(a) of this rule, except those products that have been exempted under section 4 or 5 of this rule.**

**(4) "Adhesive" means any product that is used to bond one (1) surface to another by attachment. The term does not include the following:**

- (A) Products used on humans and animals.**
- (B) Adhesive tape.**
- (C) Contact paper.**
- (D) Wallpaper.**
- (E) Shelf liners.**
- (F) Any other product with an adhesive incorporated onto or in an inert substrate.**
- (G) Units of product, less packaging, that consist of more than one (1) gallon that meet the definition for contact adhesive.**
- (H) Units of product, less packaging, that:**
  - (i) weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces; and**
  - (ii) meet the definition of either construction, panel, and floor covering adhesive or general purpose adhesive.**

**This limitation does not apply to aerosol adhesives.**

**(5) "Adhesive remover" means the following:**

**(A) A product designed to remove adhesive from either a specific substrate or a variety of substrates.**

**(B) The term includes the following:**

- (i) Floor or wall covering adhesive remover.**
- (ii) Gasket or thread locking adhesive remover.**
- (iii) General purpose adhesive remover.**
- (iv) Specialty adhesive remover.**

**(C) The term does not include products that remove adhesive intended exclusively for use on humans or animals.**

**(D) For the purpose of this definition, "adhesive" means a substance used to bond one (1) or more materials and includes, but is not limited to, the following:**

- (i) Caulks.**
- (ii) Sealants.**
- (iii) Glues.**
- (iv) Similar substances used for the purpose of forming a bond.**

**(6) "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. The term includes the following:**

- (A) Special purpose spray adhesives.**
- (B) Mist spray adhesives.**
- (C) Web spray adhesives.**

**(7) "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.**

**(8) "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a:**

- (A) propellant contained in a product or a product's container; or**
- (B) mechanically induced force.**

**The term does not include pump spray.**

**(9) "Agricultural use" means the following:**

**(A) The use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop.**

**(B) The term does not include the sale or use of pesticides in properly labeled packages or containers that are intended for:**

- (i) home use;**
- (ii) use in structural pest control;**
- (iii) industrial use; or**
- (iv) institutional use.**

**(C) For the purposes of this definition only, the following apply:**

- (i) "Home use" means use in a household or its immediate environment.**
- (ii) "Industrial use" means use:**
  - (AA) for or in a manufacturing, mining, or chemical process; or**
  - (BB) in the operation of factories, processing plants, and similar sites.**
- (iii) "Institutional use" means use within the lines of, or on the property necessary for the operation**

of, buildings, such as the following:

(AA) Hospitals.

(BB) Schools.

(CC) Libraries.

(DD) Auditoriums.

(EE) Office complexes.

(iv) "Structural pest control" means a use requiring a license under [IC 15-16-4](#).

(10) "Air freshener" means the following:

(A) Any consumer product designed for the purpose of masking odors or freshening, cleaning, scenting, or deodorizing the air, including, but not limited to, the following:

(i) Sprays.

(ii) Wicks.

(iii) Powders.

(iv) Crystals.

(B) To determine whether a product is an air freshener, all verbal and visual representation regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

(C) The term includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution.

(D) The term does not include the following:

(i) Products that are used on the human body.

(ii) Products that function primarily as cleaning products as indicated on a product label.

(iii) Toilet or urinal care products.

(iv) Disinfectant products claiming to deodorize by killing germs on surfaces.

(v) Institutional or industrial disinfectants when offered for sale solely through institutional or industrial channels of distribution.

(11) "All other carbon-containing compounds" means all other compounds that:

(A) contain at least one (1) carbon atom; and

(B) are not a Table B compound or an LVP-VOC.

(12) "All other forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless otherwise specified by the applicable VOC standard in section 3(a) of this rule, the term includes, but is not limited to, the following:

(A) Solids.

(B) Liquids.

(C) Wicks.

(D) Powders.

(E) Crystals.

(F) Cloth or paper wipes (towelettes).

(13) "Alternative control plan" or "ACP" means any emissions averaging program approved by the department under section 6 of this rule.

(14) "Antimicrobial hand or body cleaner or soap" means a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. The term:

(A) includes, but is not limited to:

(i) antimicrobial hand or body washes or cleaners, or both;

(ii) food handler hand washes;

(iii) health care personnel hand washes;

(iv) preoperative skin preparations; and

(v) surgical scrubs; and

(B) does not include:

(i) prescription drug products;

(ii) antiperspirants;

(iii) astringents or toner;

(iv) deodorant;

(v) facial cleaner or soap;

(vi) general use hand or body cleaner or soap;

(vii) hand dishwashing detergent (including antimicrobial);

(viii) heavy-duty hand cleaner or soap;

(ix) medicated astringent or medicated toner; and

(x) rubbing alcohol.

(15) "Antiperspirant" means any product that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of a target population. The term includes, but is not limited to, the following:

- (A) Aerosols.
- (B) Roll-ons.
- (C) Sticks.
- (D) Pumps.
- (E) Pads.
- (F) Creams.
- (G) Squeeze bottles.

(16) "Antistatic product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. The term does not include the following products:

- (A) Electronic cleaner.
- (B) Floor polish or wax.
- (C) Floor coating.
- (D) Aerosol coating product.
- (E) Architectural coating.

(17) "Architectural coating" means a coating applied to the following:

- (A) Stationary structures and their appurtenances.
- (B) Mobile homes.
- (C) Pavements.
- (D) Curbs.

(18) "ASTM" means the American Society for Testing Materials.

(19) "Astringent or toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores. The term:

- (A) includes:
  - (i) clarifiers; and
  - (ii) substrate-impregnated products; and
- (B) does not include:
  - (i) hand, face, or body cleaner or soap product;
  - (ii) medicated astringent;
  - (iii) medicated toner;
  - (iv) cold cream;
  - (v) lotion; and
  - (vi) antiperspirant.

(20) "Automobile headliner adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

(21) "Automotive brake cleaner" means a cleaning product designed to remove the following from motor vehicle brake mechanisms:

- (A) Oil.
- (B) Grease.
- (C) Brake fluid.
- (D) Brake pad material.
- (E) Dirt.

(22) "Automotive engine compartment adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance and high shear strength at temperatures of two hundred (200) degrees Fahrenheit through two hundred seventy-five (275) degrees Fahrenheit.

(23) "Automotive hard paste wax" means an automotive wax or polish that:

- (A) is designed to protect and improve the appearance of automotive paint surfaces;
- (B) is a solid at room temperature; and
- (C) contains zero percent (0%) water by formulation.

(24) "Automotive instant detailer" means a product designed for use in a pump spray that is:

- (A) applied to the painted surface of automobiles; and
- (B) wiped off prior to the product being allowed to dry.

(25) "Automotive rubbing or polishing compound" means a product designed primarily to remove, from the painted surfaces of motor vehicles without leaving a protective barrier, the following:

- (A) Oxidation.
- (B) Old paint.
- (C) Scratches or swirl marks.

(D) Other defects.

(26) "Automotive wax, polish, sealant, or glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. The term:

(A) includes, but is not limited to, products designed for:

- (i) use in auto body repair shops;
- (ii) use in "drive-through" car washes; and
- (iii) the general public; and

(B) does not include:

- (i) automotive rubbing or polishing compounds;
- (ii) automotive wash and wax products;
- (iii) surfactant-containing car wash products; and
- (iv) products designed for use on unpainted surfaces, including, but not limited to:
  - (AA) bare metal;
  - (BB) chrome;
  - (CC) glass; and
  - (DD) plastic.

(27) "Automotive windshield washer fluid" means any liquid designed for use in a motor vehicle windshield washer system either:

(A) as an antifreeze; or

(B) for the purpose of:

- (i) cleaning;
- (ii) washing; or
- (iii) wetting;

the windshield.

The term does not include fluids placed by the manufacturer in a new vehicle.

(28) "Bathroom and tile cleaner" means a product designed to clean tile or surfaces in bathrooms. The term does not include products designed primarily to clean the following:

(A) Toilet bowls.

(B) Toilet tanks.

(C) Urinals.

(29) "Bug and tar remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

(A) Biological-type residues, such as the following:

- (i) Insect carcasses.
- (ii) Tree sap.

(B) Road grime, such as the following:

- (i) Road tar.
- (ii) Roadway paint markings.
- (iii) Asphalt.

(30) "CARB" means the California Air Resources Board.

(31) "Carburetor or fuel-injection air intake cleaners" means a product designed to remove fuel deposits, dirt, or other contaminants from the following:

(A) A carburetor.

(B) A choke.

(C) The throttle body of a fuel-injection system.

(D) Associated linkages.

The term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

(32) "Carpet and upholstery cleaner" means the following:

(A) A cleaning product designed for the purpose of eliminating dirt and stains on the following:

- (i) Rugs.
- (ii) Carpeting.
- (iii) The interior of motor vehicles.
- (iv) Household furniture.
- (v) Objects upholstered or covered with fabrics, such as the following:
  - (AA) Wool.
  - (BB) Cotton.
  - (CC) Nylon.
  - (DD) Other synthetic fabrics.

(B) The term includes, but is not limited to, products that make fabric protectant claims.

(C) The term does not include the following:

- (i) General purpose cleaners.
- (ii) Spot removers.
- (iii) Vinyl or leather cleaners.
- (iv) Dry cleaning fluids.
- (v) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

(33) "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. The term does not include any of the following:

- (A) Electrical starters and probes.
- (B) Metallic cylinders using paper tinder.
- (C) Natural gas.
- (D) Propane.
- (E) Fat wood.

(34) "Colorant" means any pigment or coloring material used in a consumer product:

- (A) for an aesthetic effect; or
- (B) to dramatize an ingredient.

(35) "Construction, panel, and floor covering adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of the following:

(A) Structural and building components, including the following:

- (i) Beams.
- (ii) Trusses.
- (iii) Studs.
- (iv) Paneling, including, but not limited to, the following:
  - (AA) Dry wall or dry wall laminates.
  - (BB) Fiberglass reinforced plastic (FRP).
  - (CC) Plywood.
  - (DD) Particle board.
  - (EE) Insulation board.
  - (FF) Predecorated hardboard or tile board.

(v) Ceiling and acoustical tile.

(vi) Molding.

(vii) Fixtures.

(viii) Countertops.

(ix) Countertop laminates.

(x) Cove bases.

(xi) Wall bases.

(xii) Flooring or subflooring.

(B) Floor or wall coverings, including the following:

(i) Wood or simulated wood covering.

(ii) Carpet.

(iii) Carpet pad or cushion.

(iv) Vinyl-backed carpet.

(v) Flexible flooring material.

(vi) Nonresilient flooring material.

(vii) Mirror tiles and other types of tiles.

(viii) Artificial grass.

The term does not include floor seam sealer.

(36) "Consumer" means any person who purchases or acquires any consumer product for the following uses:

- (A) Personal.
- (B) Family.
- (C) Household.
- (D) Institutional.

The term does not include persons acquiring a consumer product for resale.

(37) "Consumer product" means the following:

(A) A chemically formulated product used by household and institutional consumers, including, but not limited to, the following:

- (i) Detergents.
- (ii) Cleaning compounds.
- (iii) Polishes.

- (iv) Floor finishes.
- (v) Cosmetics.
- (vi) Personal care products.
- (vii) Home, lawn, and garden products.
- (viii) Disinfectants.
- (ix) Sanitizers.
- (x) Aerosol paints.
- (xi) Automotive specialty products.
- (xii) Aerosol adhesives, including aerosol adhesives for the following uses:
  - (AA) Consumer.
  - (BB) Industrial.
  - (CC) Commercial.

(B) The term does not include the following:

- (i) Paint products.
- (ii) Furniture coating.
- (iii) Architectural coatings.

(38) "Contact adhesive" means the following:

(A) An adhesive that:

- (i) is designed for application to both surfaces to be bonded together;
- (ii) is allowed to dry before the two (2) surfaces are placed in contact with each other;
- (iii) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and
- (iv) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

(B) The term does not include the following:

- (i) Rubber cements that are primarily intended for use on paper substrates.
- (ii) Vulcanizing fluids that are designed and labeled for tire repair only.

(39) "Contact adhesive-general purpose" means any contact adhesive that is not a contact adhesive-special purpose.

(40) "Contact adhesive-special purpose" means a contact adhesive that is used:

(A) to bond:

- (i) melamine-covered board;
- (ii) unprimed metal;
- (iii) unsupported vinyl;
- (iv) Teflon;
- (v) ultrahigh molecular weight polyethylene;
- (vi) rubber; and
- (vii) high pressure laminate or wood veneer, one-sixteenth (1/16) inch or less in thickness; to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight (8) fluid ounces; or

(B) in automotive applications that are:

- (i) automotive under the hood applications requiring heat, oil, or gasoline resistance; or
- (ii) body side molding, automotive weather strip, or decorative trim.

(41) "Container or packaging" means the part or parts of the consumer or institutional product that serve only to:

- (A) contain;
- (B) enclose;
- (C) incorporate;
- (D) deliver;
- (E) dispense;
- (F) wrap; or
- (G) store;

the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes that the product was designed or intended. The term includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed, or attached.

(42) "Crawling bug insecticide" means the following:

- (A) Any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to:
  - (i) mites;

- (ii) silverfish; or
- (iii) spiders.

(B) The term does not include products designed to be used exclusively on humans or animals, or any house dust mite product.

(C) For purposes of this definition only, the following apply:

(i) "House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

(ii) "House dust mite" means mites that:

(AA) feed primarily on skin cells shed in the home by humans and pets; and

(BB) belong to the:

- (aa) phylum Arthropoda;
- (bb) subphylum Chelicerata;
- (cc) class Arachnida;
- (dd) subclass Acari;
- (ee) order Astigmata; and
- (ff) family Pyroglyphidae.

(43) "Date code" means the day, month, and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

(44) "Deodorant" means the following:

(A) For products manufactured before July 1, 2010, any product including, but not limited to:

- (i) aerosols;
- (ii) roll-ons;
- (iii) sticks;
- (iv) pumps;
- (v) pads;
- (vi) creams; and
- (vii) squeeze bottles;

that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

(B) For products manufactured on or after July 1, 2010, any product including, but not limited to:

- (i) aerosol;
- (ii) roll-ons;
- (iii) sticks;
- (iv) pumps;
- (v) pads;
- (vi) creams; and
- (vii) squeeze bottles;

that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent or minimize odor, or both.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(45) "Deodorant body spray" means the following:

(A) For products manufactured before July 1, 2010, a personal fragrance product with twenty percent (20%) or less fragrance.

(B) For products manufactured on or after July 1, 2010, a personal fragrance product with twenty percent (20%) or less fragrance that is designed for application all over the human body to provide a scent.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(46) "Device" means any instrument or contrivance (other than a firearm) that is designed for:

- (A) trapping;
- (B) destroying;
- (C) repelling; or
- (D) mitigating;

any pest or any other form of plant or animal life (other than man and other than a bacterium, a virus, or another microorganism on or in a living man or other living animals). The term does not include equipment used for the application of pesticides when sold separately therefrom.

**(47) "Disinfectant" means the following:**

**(A) Any product:**

- (i) intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects; and**
- (ii) whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.).**

**(B) The term does not include any of the following:**

- (i) Products designed solely for use on human or animals.**
- (ii) Products designed for agricultural use.**
- (iii) Products designed solely for use in:**
  - (AA) swimming pools;**
  - (BB) therapeutic tubs; or**
  - (CC) hot tubs.**
- (iv) Products that, as indicated on the principal display panel or label, are designed primarily for use as:**
  - (AA) bathroom and tile cleaners;**
  - (BB) glass cleaners;**
  - (CC) general purpose cleaners;**
  - (DD) toilet bowl cleaners; or**
  - (EE) metal polishes.**

**(48) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include the following:**

- (A) Manufacturers.**
- (B) Retailers.**
- (C) Consumers.**

**(49) "Double phase aerosol air freshener" means an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.**

**(50) "Dry cleaning fluid" means the following:**

**(A) Any nonaqueous liquid product designed and labeled exclusively for use on:**

- (i) fabrics that are labeled "for dry clean only", such as clothing or drapery; or**
- (ii) "S-coded" fabrics, that for the purpose of this definition, means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.**

**(B) The term includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics, such as draperies, at the customer's residence or workplace.**

**(C) The term does not include:**

- (i) spot remover; or**
- (ii) carpet and upholstery cleaner.**

**(51) "Dusting aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include a pressurized gas duster.**

**(52) "Electrical cleaner" means the following:**

**(A) A product labeled to remove heavy soils, such as grease, grime, or oil, from electrical equipment, including, but not limited to, the following:**

- (i) Electric motors.**
- (ii) Armatures.**
- (iii) Relays.**
- (iv) Electric panels.**
- (v) Generators.**

**(B) The term does not include the following:**

- (i) General purpose cleaners.**
- (ii) General purpose degreasers.**
- (iii) Dusting aids.**
- (iv) Electronic cleaners.**
- (v) Energized electrical cleaners.**
- (vi) Pressurized gas dusters.**
- (vii) Engine degreasers.**
- (viii) Antistatic products.**
- (ix) Products designed to clean the casings or housings of electrical equipment.**



**(53) "Electronic cleaner" means the following:**

**(A) A product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment, such as circuit boards, and the internal components of electronic devices, including, but not limited to, the following:**

- (i) Radios.**
- (ii) Compact disc (CD) players.**
- (iii) Digital video disc (DVD) players.**
- (iv) Computers.**

**(B) The term does not include the following products:**

- (i) General purpose cleaners.**
- (ii) General purpose degreasers.**
- (iii) Dusting aids.**
- (iv) Pressurized gas dusters.**
- (v) Engine degreasers.**
- (vi) Electrical cleaners.**
- (vii) Energized electrical cleaners.**
- (viii) Antistatic products.**

**(ix) Products designed to clean the casings or housings of electronic equipment.**

**(54) "Energized electrical cleaner" means a product that meets the following criteria:**

**(A) The product is labeled to clean or degrease, or both, electrical equipment where cleaning or degreasing, or both, is accomplished when:**

- (i) electrical current exists; or**
- (ii) there is a residual electrical potential from a component, such as a capacitor.**

**(B) The product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts."**

**The term does not include electronic cleaners.**

**(55) "Engine degreaser" means a cleaning product designed to remove:**

- (A) grease;**
- (B) grime;**
- (C) oil; and**
- (D) other contaminants;**

**from the external surfaces of engines and other mechanical parts.**

**(56) "Existing product" means any:**

**(A) formulation of the same product category and form:**

- (i) sold;**
- (ii) supplied;**
- (iii) manufactured; or**
- (iv) offered for sale;**

**in Indiana prior to July 1, 2010; or**

**(B) subsequently introduced identical formulation.**

**(57) "Fabric protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include the following:**

- (A) Waterproofers.**
- (B) Products designed for use solely on:**
  - (i) leather; or**
  - (ii) fabrics that are labeled "for dry clean only" and sold in containers of ten (10) fluid ounces or less.**

**(58) "Fabric refresher" means the following:**

**(A) A product labeled to neutralize or eliminate odors on the following:**

- (i) Nonlaundered fabric, including, but not limited to, the following:**
  - (AA) Soft household surfaces.**
  - (BB) Rugs.**
  - (CC) Carpeting.**
  - (DD) Draperies.**
  - (EE) Bedding.**
  - (FF) Automotive interiors.**
  - (GG) Footwear.**
  - (HH) Athletic equipment.**
  - (II) Clothing.**
- (ii) Household furniture or objects upholstered or covered with fabrics, including, but not limited to,**

the following:

- (AA) Wool.
- (BB) Cotton.
- (CC) Nylon.

(B) The term does not include the following:

- (i) Antistatic products.
- (ii) Carpet and upholstery cleaners.
- (iii) Footwear or leather care products.
- (iv) Spot removers.
- (v) Disinfectants.
- (vi) Products labeled for application to both fabric and human skin.
- (vii) Soft household surface sanitizers. For the purposes of this definition only, "soft household surface sanitizer" means a product labeled to neutralize or eliminate odors on surfaces listed in clause (A) whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

(59) "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face. The term:

(A) includes, but is not limited to:

- (i) facial cleansing creams;
- (ii) semisolids;
- (iii) liquids;
- (iv) lotions; and
- (v) substrate-impregnated forms; and

(B) does not include:

- (i) prescription drug products;
- (ii) antimicrobial hand or body cleaner or soap;
- (iii) astringent or toner;
- (iv) general use hand or body cleaner or soap;
- (v) medicated astringent or medicated toner; and
- (vi) rubbing alcohol.

(60) "Fat wood" means pieces of wood kindling with high naturally occurring levels of sap or resin that enhance ignition of the kindling. The term does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood based products.

(61) "Flea and tick insecticide" means any insecticide product that is designed for use against:

- (A) fleas;
- (B) ticks;
- (C) their larvae; or
- (D) their eggs.

The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

(62) "Flexible flooring material" means the following:

- (A) Asphalt.
- (B) Cork.
- (C) Linoleum.
- (D) No-wax.
- (E) Rubber.
- (F) Seamless vinyl flooring.
- (G) Vinyl composite flooring.

(63) "Flexible vinyl" means a nonrigid polyvinyl chloride plastic with at least five percent (5%), by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91\*, or from product formulation data.

(64) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates.

(65) "Floor coating" means an opaque coating that is labeled and designed for application to flooring that may be subject to foot traffic, including, but not limited to, the following:

- (A) Decks.
- (B) Porches.
- (C) Steps.
- (D) Other horizontal surfaces.

(66) "Floor or wall covering adhesive remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

(67) "Floor polish or wax" means a wax, polish, or any other product designed to polish, protect, or

enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished.

The term does not include the following:

- (A) Spray buff products.
- (B) Products designed solely for the purpose of cleaning floors.
- (C) Floor finish strippers.
- (D) Products designed for unfinished wood floors.
- (E) Coatings subject to architectural coatings regulations.

(68) "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

(69) "Floor wax stripper" means a product designed to remove natural or synthetic floor polishes or waxes:

- (A) through breakdown of the polish or wax polymers; or
- (B) by dissolving or emulsifying the polish or wax.

The term does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

(70) "Flying bug insecticide" means the following:

(A) Any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, the following:

- (i) Flies.
- (ii) Mosquitoes.
- (iii) Moths.
- (iv) Gnats.

(B) The term does not include the following:

- (i) Wasp and hornet insecticide.
- (ii) Products that are designed to be used exclusively on humans or animals.
- (iii) Any moth-proofing product. For purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

(71) "Footwear or leather care product" means the following:

(A) Any product designed or labeled to be applied to footwear or to other leather articles or components, to:

- (i) maintain;
- (ii) enhance;
- (iii) clean;
- (iv) protect; or
- (v) modify;

the appearance, durability, fit, or flexibility of the footwear or leather article or component. Footwear includes both leather and nonleather foot apparel.

(B) The term does not include the following:

- (i) Fabric protectants.
- (ii) General purpose adhesives.
- (iii) Contact adhesives.
- (iv) Vinyl, fabric, leather, or polycarbonate coatings.
- (v) Rubber and vinyl protectants.
- (vi) Fabric refreshers.
- (vii) Products solely for deodorizing.
- (viii) Sealant products with adhesive properties used to create external protective layers greater than two (2) millimeters thick.

(72) "Fragrance" means a substance or complex mixture of:

- (A) aroma chemicals;
- (B) natural essential oils; and
- (C) other functional components;

with a combined vapor pressure not in excess of two (2) millimeters of mercury (mm Hg) at twenty (20) degrees Celsius, the sole purpose of which is to impart an odor or scent or to counteract a malodor.

(73) "Furniture coating" means any paint designed for application to room furnishings, including, but not limited to, the following:

- (A) Cabinets (kitchen, bath, and vanity).
- (B) Tables.
- (C) Chairs.
- (D) Beds.

**(E) Sofas.**

**(74) "Furniture maintenance product"** means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting, or enhancing finished wood surfaces other than floors. The term does not include the following:

**(A) Dusting aids.**

**(B) Wood cleaners.**

**(C) Products designed solely for the purpose of cleaning.**

**(D) Products designed to leave a permanent finish, such as the following:**

**(i) Stains.**

**(ii) Sanding sealers.**

**(iii) Lacquers.**

**(75) "Gasket or thread locking adhesive remover"** means a product designed or labeled to remove gaskets or thread locking adhesives. The term includes products labeled for dual use as a paint stripper and gasket remover or thread locking adhesive remover.

**(76) "Gel"** means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

**(77) "General purpose adhesive"** means any nonaerosol adhesive designed for use on a variety of substrates. The term does not include the following:

**(A) Contact adhesives.**

**(B) Construction, panel, and floor covering adhesives.**

**(C) Adhesives designed exclusively for application on one (1) specific category of substrates that are composed of similar materials, including, but not limited to, different types of the following:**

**(i) Metals.**

**(ii) Paper products.**

**(iii) Ceramics.**

**(iv) Plastics.**

**(v) Rubbers.**

**(vi) Vinyls.**

**(D) Adhesives designed exclusively for use on one (1) specific category of articles, such as articles that may be composed of different materials but perform a specific function, including, but not limited to, the following:**

**(i) Gaskets.**

**(ii) Automotive trim.**

**(iii) Weather stripping.**

**(iv) Carpets.**

**(78) "General purpose adhesive remover"** means a product designed or labeled to remove cyanoacrylate adhesives and nonreactive adhesives or residue from a variety of substrates. The term includes, but is not limited to, products that remove the following:

**(A) Thermoplastic adhesives.**

**(B) Pressure sensitive adhesives.**

**(C) Dextrine or starch based adhesives.**

**(D) Casein glues.**

**(E) Rubber or latex based adhesives.**

**(F) Stickers.**

**(G) Decals.**

**(H) Stencils.**

The term does not include floor or wall covering adhesive remover.

**(79) "General purpose cleaner"** means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. The term includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces. The term does not include general purpose degreasers and electronic cleaners.

**(80) "General purpose degreaser"** means the following:

**(A) Any product labeled to remove or dissolve grease, grime, oil, and other oil based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts.**

**(B) The term does not include the following:**

**(i) Engine degreasers.**

**(ii) General purpose cleaners.**

**(iii) Adhesive removers.**

**(iv) Electronic cleaners.**

**(v) Electrical cleaners.**

(vi) Energized electrical cleaners.

(vii) Metal polish or cleansers.

(viii) Products used exclusively in solvent cleaning tanks or related equipment, including, but not limited to, the following:

(AA) Cold cleaners.

(BB) Vapor degreasers.

(CC) Conveyorized degreasers.

(DD) Film cleaning machines.

(EE) Products designed to clean miscellaneous metallic parts by immersion in a container.

(ix) Products that are:

(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and

(BB) labeled "not for retail sale".

(81) "General use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. The term:

(A) includes, but is not limited to:

(i) hand or body washes;

(ii) dual-purpose shampoo and body cleaners;

(iii) shower or bath gels; and

(iv) moisturizing cleaners or soaps; and

(B) does not include:

(i) prescription drug products;

(ii) antimicrobial hand or body cleaner or soap;

(iii) astringent or toner;

(iv) facial cleaner or soap;

(v) hand dishwashing detergent (including antimicrobial);

(vi) heavy-duty hand cleaner or soap;

(vii) medicated astringent or medicated toner; and

(viii) rubbing alcohol.

(82) "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in the following:

(A) Eyeglasses.

(B) Photographic equipment.

(C) Scientific equipment.

(D) Photocopying machines.

(83) "Graffiti remover" means the following:

(A) A product labeled to remove, from a variety of noncloth or nonfabric substrates, the following:

(i) Spray paint.

(ii) Ink.

(iii) Marker.

(iv) Crayon.

(v) Lipstick.

(vi) Nail polish.

(vii) Shoe polish.

(B) The term does not include the following:

(i) Paint remover or stripper.

(ii) Nail polish remover.

(iii) Spot remover.

(C) Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.

(84) "Hair mousse" means a hairstyling foam designed to:

(A) facilitate styling of a coiffure; and

(B) provide limited holding power.

(85) "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair. The term includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include the following:

(A) Hair sprays.

(B) Hair mousses.

(C) Hairstyling products.

(D) Hairstyling gels.

(E) Products whose primary purpose is to condition or hold the hair.

**(86) "Hair spray" means the following:**

**(A)** For products manufactured before July 1, 2010, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure that will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

**(B)** For products manufactured on or after July 1, 2010, a consumer product that is:

**(i)** applied to styled hair; and

**(ii)** designed or labeled to provide sufficient rigidity to hold, retain, or finish, or both, the style of the hair for a period of time.

**(C)** The term includes the following:

**(i)** Aerosol hair sprays.

**(ii)** Pump hair sprays.

**(iii)** Spray waxes.

**(iv)** Products that are both a styling and a finishing product.

**(v)** Color, glitter, or sparkle hair sprays that make finishing claims.

**(D)** The term does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.

**(E)** For purposes of this definition, the following apply:

**(i)** "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.

**(ii)** "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

**(87) "Hairstyling gel" means a consumer product manufactured before July 1, 2010, that is:**

**(A)** a high viscosity, often gelatinous, product that contains a resin; and

**(B)** designed for the application to hair to aid in styling and sculpting of the hair coiffure.

**(88) "Hairstyling product" means the following:**

**(A)** A consumer product manufactured on or after July 1, 2010, that is designed or labeled for application to wet, damp, or dry hair to aid in:

**(i)** defining;

**(ii)** shaping;

**(iii)** lifting;

**(iv)** styling; or

**(v)** sculpting;

the hair.

**(B)** The term includes, but is not limited to, the following:

**(i)** Products that aid in styling but do not provide finishing of a hairstyle, including, but not limited to, the following:

**(AA)** Hair balm.

**(BB)** Clay.

**(CC)** Cream.

**(DD)** Creme.

**(EE)** Curl straightener.

**(FF)** Gel.

**(GG)** Liquid.

**(HH)** Lotion.

**(II)** Paste.

**(JJ)** Pomade.

**(KK)** Putty.

**(LL)** Root lifter.

**(MM)** Serum.

**(NN)** Spray gel.

**(OO)** Stick.

**(PP)** Temporary hair straightener.

**(QQ)** Wax.

**(RR)** Spray products.

**(ii)** Detanglers or conditioners, or both, and leave-in volumizers that make styling claims.

**(C)** The term does not include the following:

**(i)** Hair mousses.

**(ii)** Hair shines.

**(iii)** Hair sprays.

**(iv)** Shampoos or conditioners, or both, that are rinsed from the hair prior to styling.

**(D)** For purposes of this definition, the following apply:

(i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.

(ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

(89) "Heavy-duty hand cleaner or soap" means the following:

(A) A product designed to clean or remove from the hand with or without the use of water difficult dirt and soils, including, but not limited to, the following:

(i) Oil.

(ii) Grease.

(iii) Grime.

(iv) Tar.

(v) Shellac.

(vi) Putty.

(vii) Printer's ink.

(viii) Paint.

(ix) Graphite.

(x) Cement.

(xi) Carbon.

(xii) Asphalt.

(xiii) Adhesives.

(B) The term does not include the following:

(i) Prescription drug products.

(ii) Antimicrobial hand or body cleaner or soap.

(iii) Astringent or toner.

(iv) Facial cleaner or soap.

(v) General use hand or body cleaner or soap.

(vi) Medicated astringent or medicated toner.

(vii) Rubbing alcohol.

(90) "Herbicide" means a pesticide product designed to kill or retard a plant's growth. The term does not include products that are:

(A) for agricultural use; or

(B) restricted materials that require a permit for use and possession.

(91) "High volatility organic compound" or "HVOC" means any volatile organic compound that exerts a vapor pressure greater than eighty (80) millimeters of mercury (mm Hg) when measured at twenty (20) degrees Celsius.

(92) "Household product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

(93) "Indiana sales" means the sales (net pounds of product, less packaging and container, per year) in Indiana for either:

(A) the calendar year immediately prior to the year that the registration is due; or

(B) if that data is not available, any consecutive twelve (12) month period commencing not earlier than two (2) years prior to the due date of the registration.

If direct sales data for Indiana is not available, sales may be estimated by prorating national or regional sales data by population.

(94) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods. The term does not include products that are:

(A) for agricultural use;

(B) for a use that requires a structural pest control license under [IC 15-16-4](#); or

(C) restricted materials that require a permit for use and possession.

(95) "Insecticide fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

(96) "Institutional product", "industrial and institutional product", or "I & I product" means the following:

(A) A consumer product that is designed for use in the maintenance or operation of an establishment that:

(i) manufactures, transports, or sells goods or commodities or provides services for profit; or

(ii) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause.

(B) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

**(C) For purposes of this definition, "establishments" includes, but is not limited to, the following:**

- (i) Government agencies.**
- (ii) Factories.**
- (iii) Schools.**
- (iv) Hospitals.**
- (v) Sanitariums.**
- (vi) Prisons.**
- (vii) Restaurants.**
- (viii) Hotels.**
- (ix) Stores.**
- (x) Automobile service and parts centers.**
- (xi) Health clubs.**
- (xii) Theaters.**
- (xiii) Transportation companies.**

**(97) "Label" means any written, printed, or graphic matter:**

- (A) affixed to;**
- (B) applied to;**
- (C) attached to;**
- (D) blown into;**
- (E) formed into;**
- (F) molded into;**
- (G) embossed on; or**
- (H) appearing upon;**

**any consumer product or consumer product package for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.**

**(98) "Laminate repair or edgbanding adhesive" means an aerosol adhesive designed for the following:**

**(A) The touchup or repair of items laminated with high pressure laminates, for example, lifted edges, delaminates, etc. For purposes of this definition, "high pressure laminate" means sheet materials that consist of paper, fabric, or other core material that have been laminated at:**

- (i) temperatures exceeding two hundred sixty-five (265) degrees Fahrenheit; and**
- (ii) pressures between one thousand (1,000) and one thousand four hundred (1,400) psi.**

**(B) The touchup, repair, or attachment of edgbanding materials, including, but not limited to, the following:**

- (i) Other laminates.**
- (ii) Synthetic marble.**
- (iii) Veneers.**
- (iv) Wood molding.**
- (v) Decorative metals.**

**(99) "Laundry prewash" means a product that:**

- (A) is designed for application to a fabric prior to laundering; and**
- (B) supplements and contributes to the effectiveness of laundry detergents or provides specialized performance, or both.**

**(100) "Laundry starch product" means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. The term includes, but is not limited to, fabric finish, sizing, and starch.**

**(101) "Lawn and garden insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 7(d) of this rule, aerosol lawn and garden insecticides may claim to kill insects or other arthropods.**

**(102) "Liquid" means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1\*. The term does not include powders or other materials that are composed entirely of solid particles.**

**(103) "Lubricant" means the following:**

**(A) A product designed to:**

- (i) reduce friction, heat, noise, or wear between moving parts; or**
- (ii) loosen rusted or immovable parts or mechanisms.**

**(B) The term does not include the following:**

- (i) Automotive power steering fluids.**
- (ii) Products for use inside power generating motors, engines, and turbines and their associated power-transfer gearboxes.**



(iii) Two (2) cycle oils or other products designed to be added to fuels.

(iv) Products for use on the human body or animals.

(v) Products that are:

(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and

(BB) labeled "not for retail sale".

(104) "LVP-VOC" means a chemical compound or mixture that contains at least one (1) carbon atom and meets one (1) of the following:

(A) Has a vapor pressure less than one-tenth (0.1) millimeter of mercury (mm Hg) at twenty (20) degrees Celsius, as determined by CARB Method 310\*.

(B) Is a chemical compound with more than twelve (12) carbon atoms, or a chemical mixture comprised solely of compounds with more than twelve (12) carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown.

(C) Is a chemical compound with a boiling point greater than two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310\*.

(D) Is the weight percent of a chemical mixture that boils above two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310\*.

For purposes of this definition, "chemical compound" means a molecule of definite chemical formula and isomeric structure, and "chemical mixture" means a substrate comprised of two (2) or more chemical compounds.

(105) "Manufacturer" means any person who:

(A) imports;

(B) manufactures;

(C) assembles;

(D) produces;

(E) packages;

(F) repackages; or

(G) relabels;

a consumer product.

(106) "Medicated astringent or medicated toner" means any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening pores. The term:

(A) includes, but is not limited to:

(i) clarifiers; and

(ii) substrate-impregnated products; and

(B) does not include:

(i) hand, face, or body cleaners or soap products;

(ii) astringents or toners;

(iii) cold creams;

(iv) lotions;

(v) antiperspirants; and

(vi) products that must be purchased with a doctor's prescription.

(107) "Medium volatility organic compound" or "MVOC" means any volatile organic compound that exerts a vapor pressure greater than two (2) millimeters of mercury (mm Hg) and less than or equal to eighty (80) mm Hg when measured at twenty (20) degrees Celsius.

(108) "Metal polish or cleanser" means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. For purposes of this definition, "improve the appearance" means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. The term:

(A) includes, but is not limited to, metal polishes used on:

(i) brass;

(ii) silver;

(iii) chrome;

(iv) copper;

(v) stainless steel; and

(vi) other ornamental metals; and

(B) does not include:

(i) automotive waxes, polishes, sealants, or glazes;

(ii) wheel cleaners;

(iii) paint removers or strippers;

(iv) products designed and labeled exclusively for automotive and marine detailing; or

(v) products designed for use in degreasing tanks.

(109) "Mist spray adhesive" means any aerosol that:

- (A) is not a special purpose spray adhesive; and
  - (B) delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.
- (110) "Mounting adhesive" means an aerosol adhesive designed to permanently mount:
- (A) photographs;
  - (B) artwork; and
  - (C) any other drawn or printed media;
- to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
- (111) "Multipurpose dry lubricant" means any lubricant that is:
- (A) designed and labeled to provide lubricity by depositing a thin film of:
    - (i) graphite;
    - (ii) molybdenum disulfide (moly);
    - (iii) polytetrafluoroethylene; or
    - (iv) closely related fluoropolymer (Teflon) on surfaces; and
  - (B) designed for general purpose lubrication or for use in a wide variety of applications.
- (112) "Multipurpose lubricant" means any lubricant designed for general purpose lubrication or for use in a wide variety of applications. The term does not include the following:
- (A) Multipurpose dry lubricants.
  - (B) Penetrants.
  - (C) Silicone based multipurpose lubricants.
- (113) "Multipurpose solvent" means the following:
- (A) Any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing, or dissolving other organic materials.
  - (B) The term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific, or other laboratories.
  - (C) The term does not include the following:
    - (i) Solvents used in the following:
      - (AA) Cold cleaners.
      - (BB) Vapor degreasers.
      - (CC) Conveyorized degreasers.
      - (DD) Film cleaning machines.
    - (ii) Solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- (114) "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails, including, but not limited to, the following:
- (A) Lacquers.
  - (B) Enamels.
  - (C) Acrylics.
  - (D) Base coats.
  - (E) Top coats.
- (115) "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.
- (116) "Nonaerosol product" means any consumer product that is not dispensed by a pressurized spray system.
- (117) "Noncarbon containing compound" means any compound that does not contain any carbon atoms.
- (118) "Nonresilient flooring" means flooring of a mineral content that is not flexible, including, but not limited to, the following:
- (A) Terrazzo.
  - (B) Marble.
  - (C) Slate.
  - (D) Granite.
  - (E) Brick.
  - (F) Stone.
  - (G) Ceramic tile.
  - (H) Concrete.
- (119) "Nonselective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
- (120) "Oven cleaner" means any cleaning product designed to clean and remove dried food deposits from oven walls.
- (121) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application

to a substrate in a thin layer that is:

- (A) converted to an opaque solid film after application; and
- (B) used for protection, decoration, or identification or to serve some functional purpose, such as the:
  - (i) filling or concealing of surface irregularities; or
  - (ii) modification of light and heat radiation characteristics.

(122) "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. The term does not include the following:

- (A) Multipurpose solvents.
- (B) Paint brush cleaners.
- (C) Products designed and labeled exclusively graffiti removers.
- (D) Hand cleaner products that claim to remove paints and other related coatings from skin.

(123) "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include multipurpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.

(124) "Person" has the meaning set forth in [IC 13-11-2-158](#).

(125) "Personal fragrance product" means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, after-shave, and toilet water. The term does not include the following:

- (A) Deodorant.
- (B) Medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body.
- (C) Mouthwashes, breath fresheners, and deodorizers.
- (D) Lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions, such as dryness and irritations.
- (E) Products designed exclusively for use on human genitalia.
- (F) Soaps, shampoos, and products primarily used to clean the human body.
- (G) Fragrance products designed to be used exclusively on nonhuman animals.

(126) "Pesticide" means any substance or mixture of substances labeled, designed, or intended for use:

- (A) in preventing, destroying, repelling, or mitigating any pest; or
- (B) as a defoliant, desiccant, or plant regulator.

The term does not include any substance, mixture of substances, or device that the U.S. EPA does not consider to be a pesticide.

(127) "Polyolefin adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.

(128) "Polystyrene foam adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.

(129) "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including the following surfaces:

- (A) Photographs.
- (B) Photographic film negatives.
- (C) Computer keyboards.
- (D) Other types of surfaces that cannot be cleaned with solvents.

The term does not include dusting aids.

(130) "Principal display panel or panels" means the part or parts of a label that are so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all the principal display panels.

(131) "Product brand name" means the name of the product exactly as it appears on the principal display panel of the product.

(132) "Product category" means the applicable category that best describes the product as listed in this section and section 3(a) of this rule.

(133) "Product form" means, for the purpose of complying with section 7 of this rule only, the applicable form that most accurately describes the product's dispensing form as follows:

- A = Aerosol Product
- S = Solid
- P = Pump Spray
- L = Liquid
- SS = Semisolid
- O = Other

(134) "Product line" means a group of products of identical form and function belonging to the same product category or categories.

(135) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

(136) "Pump spray" means a packaging system in which the product ingredients within the container are:

- (A) not under pressure; and
- (B) expelled only while a pumping action is applied to:
  - (i) a button;
  - (ii) a trigger; or
  - (iii) another actuator.

(137) "Responsible ACP party" means the company, firm, or establishment that is listed on the ACP product's label. If the label lists two (2) or more companies, firms, or establishments, the responsible ACP party is the party that the ACP product was "manufactured for" or "distributed by", as noted on the label.

(138) "Responsible party" means the company, firm, or establishment that is listed on the product's label. If the label lists two (2) companies, firms, or establishments, the responsible party is the party that the product was "manufactured for" or "distributed by", as noted on the label.

(139) "Restricted materials" means pesticides established as restricted materials under applicable [IC 15-16-4](#).

(140) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.

(141) "Retail outlet" means any establishment where consumer products are sold, supplied, or offered for sale directly to consumers.

(142) "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

(143) "Rubber and vinyl protectant" means the following:

- (A) Any product designed to protect, preserve, or renew vinyl, rubber, and plastic on the following:
  - (i) Vehicles.
  - (ii) Tires.
  - (iii) Luggage.
  - (iv) Furniture.
  - (v) Household products, such as the following:
    - (AA) Vinyl covers.
    - (BB) Clothing.
    - (CC) Accessories.
- (B) The term does not include the following:
  - (i) Products designed primarily to clean the wheel rim, such as aluminum or magnesium wheel cleaners.
  - (ii) Tire cleaners that do not leave an appearance enhancing or protective substance on the tire.

(144) "Rubbing alcohol" means any product:

- (A) containing isopropyl alcohol (also called isopropanol) or denatured ethanol; and
- (B) labeled for topical use, usually to:
  - (i) decrease germs in minor cuts and scrapes; and
  - (ii) relieve minor muscle aches, as a rubefacient, and for massage.

(145) "Sealant and caulking compound" means the following:

- (A) Any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two (2) surfaces.
- (B) The term does not include the following:
  - (i) Roof cements and roof sealants.
  - (ii) Insulating foams.
  - (iii) Removable caulking compounds. For purposes of this definition only, "removable caulking compounds" means a compound that temporarily seals windows or doors for three (3) to six (6) month time intervals
  - (iv) Clear, paintable, or water resistant caulking compounds. For purposes of this definition, "clear, paintable, or water resistant caulking compounds" means a compound:
    - (AA) that contains no appreciable level of opaque fillers or pigments;
    - (BB) transmits most or all visible light through the caulk when cured;
    - (CC) is paintable; and
    - (DD) is immediately resistant to precipitation upon application.

(v) Floor seam sealers.

(vi) Products designed exclusively for automotive uses.

(vii) Sealers that are applied as continuous coatings.

(viii) Units of product, less packaging, that weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces.

(146) "Semisolid" means a product that, at room temperature, will not pour but will spread or deform easily including, but not limited to, the following:

(A) Gels.

(B) Pastes.

(C) Greases.

(147) "Shaving cream" means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. The term does not include shaving gel.

(148) "Shaving gel" means an aerosol product that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. The term does not include shaving cream.

(149) "Silicone based multipurpose lubricant" means any lubricant that is designed and labeled:

(A) to provide lubricity primarily through the use of silicone compounds, including, but not limited to, polydimethylsiloxane; and

(B) for general purpose lubrication or for use in a wide variety of applications.

The term does not include products designed and labeled exclusively to release manufactured products from molds.

(150) "Single phase aerosol air freshener" means an aerosol air freshener:

(A) with the liquid contents in a single homogeneous phase; and

(B) that does not require that the product container be shaken before use.

(151) "Solid" means a substance or mixture of substances that, either whole or subdivided, such as the particles comprising a powder, is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1\*.

(152) "Special purpose spray adhesive" means an aerosol adhesive that meets any of the following definitions:

(A) Mounting adhesive.

(B) Flexible vinyl adhesive.

(C) Polystyrene foam adhesive.

(D) Automobile headliner adhesive.

(E) Polyolefin adhesive.

(F) Laminare repair or edgebanding adhesive.

(G) Automotive engine compartment adhesive.

(153) "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur including, but not limited to, the following:

(A) Epoxies.

(B) Urethanes.

(C) Silicones.

The term does not include gasket or thread locking adhesive remover.

(154) "Spot remover" means the following:

(A) Any product labeled to clean localized areas or remove localized spots or stains on cloth or fabric, such as:

(i) drapes;

(ii) carpets;

(iii) upholstery; and

(iv) clothing;

that does not require subsequent laundering to achieve stain removal.

(B) The term does not include the following:

(i) Dry cleaning fluid.

(ii) Laundry prewash.

(iii) Multipurpose solvent.

(155) "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

(156) "Stick product" means any antiperspirant or deodorant that:

(A) contains active ingredients in a solid matrix form; and

(B) dispenses the active ingredients by frictional action on the affected area.

- (157) "Structural waterproof adhesive" means an adhesive:
- (A) whose bond lines are resistant to conditions of continuous immersion in fresh or salt water; and
  - (B) that conforms with Federal Specification MMM-A-181D (Type 1, Grade A)\*.
- (158) "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Section 94508\*.
- (159) "Terrestrial" means to live on or grow from land.
- (160) "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
- (161) "Toilet or urinal care product" means the following:
- (A) Any product designed or labeled to clean, deodorize, or clean and deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, the following:
    - (i) Toilets or urinals connected to permanent plumbing in buildings and other structures.
    - (ii) Portable toilets or urinals placed at temporary or remote locations.
    - (iii) Toilets or urinals in vehicles, such as the following:
      - (AA) Buses.
      - (BB) Recreational motor homes.
      - (CC) Boats.
      - (DD) Ships.
      - (EE) Aircraft.
  - (B) The term does not include the following:
    - (i) Bathroom and tile cleaner.
    - (ii) General purpose cleaner.
- (162) "Type A propellant" means a compressed gas, such as carbon dioxide (CO<sub>2</sub>), nitrogen (N<sub>2</sub>), or nitrous oxide (N<sub>2</sub>O), or compressed air that is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.
- (163) "Type B propellant" means any halocarbon that is used as a propellant including the following:
- (A) Chlorofluorocarbons (CFCs).
  - (B) Hydrochlorofluorocarbons (HCFCs).
  - (C) Hydrofluorocarbons (HFCs).
- (164) "Type C propellant" means any propellant that is not a Type A or Type B propellant, including the following:
- (A) Propane.
  - (B) Isobutane.
  - (C) n-butane.
  - (D) Dimethyl ether (also known as dimethyl oxide).
- (165) "Undercoating" means any aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior, or firewall of motor vehicles to prevent the formation of rust or to deaden sound. The term includes, but is not limited to, rubberized, mastic, or asphaltic products.
- (166) "Usage directions" means the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.
- (167) "Vinyl, fabric, leather, or polycarbonate coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.
- (168) "VOC content" means, except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under section 9 of this rule.
- (169) "Volatile organic compound" or "VOC" has the meaning set forth in [326 IAC 1-2-90](#).
- (170) "Wasp and hornet insecticide" means any insecticide product that is designed for use against:
- (A) wasps;
  - (B) hornets;
  - (C) yellow jackets; or
  - (D) bees;
- by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.
- (171) "Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants.
- (172) "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). The term includes, but is not limited to, the following:
- (A) Substances derived from the secretions of plants and animals, such as carnauba wax and

beeswax.

(B) Substances of a mineral origin, such as ozocerite and paraffin.

(C) Synthetic polymers, such as polyethylene.

(173) "Web spray adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

(174) "Wood cleaner" means the following:

(A) A product labeled to clean wooden materials, including, but not limited to, the following:

(i) Decking.

(ii) Fences.

(iii) Flooring.

(iv) Logs.

(v) Cabinetry.

(vi) Furniture.

(B) The term does not include the following:

(i) Dusting aids.

(ii) General purpose cleaners.

(iii) Furniture maintenance products.

(iv) Floor wax strippers.

(v) Floor polishes or waxes.

(vi) Products designed and labeled exclusively to preserve or color wood.

(175) "Wood floor wax" means wax based products for use solely on wood floors.

\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-2](#))

### [326 IAC 8-15-3](#) Standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 3. (a) Except as provided in sections 4 through 6 of this rule, no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product manufactured on or after July 1, 2010, that contains VOCs in excess of the VOC content limits specified in the following table of standards:

Product Category	VOC Standard (percent VOC by weight)
<b>Adhesives:</b>	
Aerosol mist spray	65
Aerosol web spray	55
Special purpose spray adhesives:	
Mounting, automotive engine compartment, and flexible vinyl	70
Polystyrene foam and automotive headliner	65
Polyolefin and laminate repair or edgbanding	60
Construction, panel, and floor	15
Contact	80
Contact general purpose	55
Contact special purpose	80
General purpose	10
Structural waterproof	15
<b>Adhesive removers:</b>	
Floor or wall covering	5
Gasket or thread locking	50
General purpose	20
Specialty	70
<b>Air fresheners:</b>	

Single phase aerosol	30
Double phase aerosol	25
Liquids or pump sprays	18
Solids or semisolids	3
Antiperspirants:	
Aerosol	40 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC
Antistatic product, nonaerosol	11
Automotive brake cleaners	45
Automotive rubbing or polishing compound	17
Automotive wax, polish, sealant, or glaze:	
Hard paste waxes	45
Instant detailers	3
All other forms	15
Automotive windshield washer fluids	35
Bathroom and tile cleaners:	
Aerosol	7
All other forms	5
Bug and tar remover	40
Carburetor or fuel injection air intake cleaners	45
Carpet and upholstery cleaners:	
Aerosols	7
Nonaerosol (dilutables)	0.1
Nonaerosol (ready-to-use)	3.0
Charcoal lighter material <sup>1</sup>	
Cooking spray, aerosols	18
Deodorants:	
Aerosol	0 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC
Dusting aids:	
Aerosols	25
All other forms	7
Electrical cleaner	45
Electronic cleaner	75
Engine degreasers:	
Aerosol	35
Nonaerosol	5
Fabric protectants	60
Fabric refresher:	
Aerosol	15
Nonaerosol	6
Floor polishes or waxes:	
Products for flexible flooring materials	7
Products for nonresilient flooring	10
Wood floor wax	90
Floor wax strippers, nonaerosol <sup>2</sup>	
Footwear or leather care products:	
Aerosol	75
Solid	55
Other forms	15



<b>Furniture maintenance products:</b>	
Aerosol	17
All other forms except solid or paste	7
<b>General purpose cleaners:</b>	
Aerosol	10
Nonaerosol	4
<b>General purpose degreasers:</b>	
Aerosol	50
Nonaerosol	4
<b>Glass cleaners:</b>	
Aerosols	12
Nonaerosol	4
<b>Graffiti remover:</b>	
Aerosol	50
Nonaerosol	30
<b>Hair mousses</b>	6
<b>Hair shines</b>	55
<b>Hair sprays</b>	55
<b>Hairstyling gels</b>	6
<b>Hairstyling products:</b>	
Aerosol and pump sprays	6
All other forms	2
<b>Heavy-duty hand cleaner or soap</b>	8
<b>Insecticides:</b>	
Crawling bug (aerosol)	15
Crawling bug (all other forms)	20
Flea and tick	25
Flying bug (aerosol)	25
Flying bug (all other forms)	35
Foggers	45
Lawn and garden (nonaerosol)	3
Lawn and garden (all other forms)	20
Wasp and hornet	40
<b>Laundry prewash:</b>	
Aerosol or solids	22
All other forms	5
<b>Laundry starch products</b>	5
<b>Metal polish or cleaners</b>	30
<b>Multipurpose lubricant (excluding solid or semisolid products)</b>	50
<b>Nail polish remover</b>	75
<b>Nonselective terrestrial herbicide, nonaerosol</b>	3
<b>Oven cleaners:</b>	
Aerosol or pump sprays	8
Liquids	5
<b>Paint removers or strippers</b>	50
<b>Penetrants</b>	50
<b>Rubber and vinyl protectants:</b>	
Aerosol	10
Nonaerosol	3
<b>Sealants and caulking compounds</b>	4
<b>Shaving creams</b>	5
<b>Shaving gels</b>	7
<b>Silicone based multipurpose lubricants (excluding solid or semisolid products)</b>	60
<b>Spot removers:</b>	
Aerosol	25

<b>Nonaerosol</b>	<b>8</b>
<b>Tire sealants and inflators</b>	<b>20</b>
<b>Toilet or urinal care:</b>	
<b>Aerosol</b>	<b>10</b>
<b>Nonaerosol</b>	<b>3</b>
<b>Undercoatings, aerosol</b>	<b>40</b>
<b>Wood cleaner:</b>	
<b>Aerosol</b>	<b>17</b>
<b>Nonaerosol</b>	<b>4</b>

<sup>1</sup> See subsection (f) regarding charcoal lighter material standards.

<sup>2</sup> See subsection (h) regarding floor wax strippers.

(b) No person shall:

- (1) sell;
- (2) supply;
- (3) offer for sale; or
- (4) manufacture for sale;

in Indiana any antiperspirant or deodorant that contains any compound that has been identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 7, Section 93000\* as a toxic air contaminant.

(c) Products that are diluted prior to use shall satisfy the following requirements:

- (1) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the VOC content limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this rule, minimum recommended dilution shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.
- (2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.

(d) The following provisions apply to the sell-through of products:

- (1) Notwithstanding the provisions of subsections (a) and (g), a consumer product manufactured prior to the effective date of this rule, July 1, 2010, may be sold, supplied, or offered for sale after the effective date of this rule, July 1, 2010.
- (2) Subdivision (1) does not apply to any consumer product that does not display on the product container or package the date on which the product was manufactured, or a code indicating the date, in accordance with section 6(a) of this rule.

(e) For consumer products subject to this rule that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. Section 136, et seq.), the effective date of the VOC standards specified in subsection (a) is July 1, 2011.

(f) The following requirements apply to all charcoal lighter materials:

- (1) No person shall sell, supply, or offer for sale after July 1, 2010, any charcoal lighter material product unless at the time of the transaction the manufacturer can demonstrate that the product has been issued a currently effective certification by one (1) of the following:
  - (A) The CARB under the Consumer Products provisions under Subchapter 8.5, Article 2, Section 94509(h), of Title 17 of the California Code of Regulations\*. The certification remains in effect for Indiana for as long as the CARB certification remains in effect.
  - (B) A certification by an air pollution control agency of another state and the U.S. EPA. The certification must be current at the time of the transaction.
- (2) Upon request by the department, a manufacturer claiming certification in accordance with subdivision (1) shall submit to the department a copy of the certification decision, that is, the Executive Order, including all conditions established by CARB applicable to the certification.

(g) The following requirements apply to aerosol adhesives:

(1) The VOC standards for aerosol adhesives apply to all uses of aerosol adhesives including consumer, industrial, and commercial uses. Except as otherwise provided in sections 4 and 5 of this rule, no person shall sell, supply, offer for sale, use, or manufacture for sale in Indiana any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOCs in excess of the VOC limits specified in subsection (a).

(2) In order to qualify as a special purpose spray adhesive, the product must meet one (1) or more of the definitions in section 2 of this rule, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one (1) of the definitions for special purpose spray adhesive, then the product shall be classified as either a web spray adhesive or a mist spray adhesive.

If a product:

(A) meets more than one (1) of the definitions in section 2 of this rule for a special purpose spray adhesive; and

(B) is not classified as a web spray adhesive or mist spray adhesive;

then the VOC content limit for the product shall be the lowest applicable VOC content limit specified in subsection (a).

(3) Effective, July 1, 2010, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any aerosol adhesive that contains any of the following compounds:

(A) Methylene chloride.

(B) Perchloroethylene.

(C) Trichloroethylene.

(4) All aerosol adhesives must comply with the labeling requirements specified in section 6 of this rule.

(h) The following requirements apply to floor wax strippers:

(1) The label of each nonaerosol floor wax stripper must specify a dilution ratio for light or medium buildup of polish that results in an as-used VOC concentration of three percent (3%) by weight or less.

(2) If a nonaerosol floor wax stripper is also intended to be used for removal of heavy buildup of polish, the label of that floor wax stripper must specify a dilution ratio for heavy buildup of polish that results in an as-used VOC concentration of twelve percent (12%) by weight or less.

(3) The terms "light buildup", "medium buildup", or "heavy buildup" are not specifically required as long as comparable terminology is used.

(i) The following requirements apply to products containing ozone depleting compounds:

(1) For any consumer product subject to subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product that contains any of the following ozone depleting compounds:

(A) Trichlorofluoromethane (CFC-11).

(B) Dichlorodifluoromethane (CFC-12).

(C) 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113).

(D) 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114).

(E) Chloropentafluoroethane (CFC-115).

(F) Bromochlorodifluoromethane (Halon 1211).

(G) Bromotrifluoromethane (Halon 1301).

(H) Dibromotetrafluoroethane (Halon 2402).

(I) Chlorodifluoromethane (HCFC-22).

(J) 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123).

(K) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).

(L) 1,1-dichloro-1-fluoroethane (HCFC-141b).

(M) 1-chloro-1,1-difluoroethane (HCFC-142b).

(N) 1,1,1-trichloroethane.

(O) Carbon tetrachloride.

(2) The requirements in subdivision (1) shall not apply to any existing product formulation that:

(A) complies with the VOC content limits listed in subsection (a); or

(B) is reformulated to meet the VOC content limits in subsection (a) provided the ozone depleting compound content of the reformulated product does not increase.

(3) The requirements of subdivision (1) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than one-hundredth of one percent (0.01%) by weight of the product.

(j) The following requirements apply to adhesive removers, contact adhesives, electrical cleaners, electronic cleaners, footwear or leather care products, general purpose degreasers, and graffiti removers:

(1) Except as provided in subdivisions (2) and (4), effective July 1, 2010, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser that contains any of the following compounds:

- (A) Methylene chloride.
- (B) Perchloroethylene.
- (C) Trichloroethylene.

(2) Products manufactured before July 1, 2010, may be sold, supplied, or offered for sale until July 1, 2013, so long as the product container or package displays the date on which the product was manufactured, or a code indicating the date, in accordance with section 6(a) of this rule.

(3) Any person who sells or supplies a consumer product identified in subdivision (1) must notify the purchaser of the product in writing that the sell-through period for that product will end on July 1, 2013, if both of the following conditions are met:

- (A) The product is sold or supplied to a distributor or retailer.
- (B) The product is sold or supplied on or after June 30, 2012.

(4) The requirements of subdivisions (1) and (3) shall not apply to any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than one-hundredth of one percent (0.01%) by weight.

(k) The following requirements apply to solid air fresheners and toilet or urinal care products:

(1) Notwithstanding subdivision (2), effective July 1, 2010, no person shall:

- (A) sell;
- (B) supply;
- (C) offer for sale; or
- (D) manufacture for use;

in Indiana any solid air fresheners or toilet or urinal care products that contain para-dichlorobenzene.

(2) Solid air fresheners and toilet or urinal care products that:

- (A) contain para-dichlorobenzene; and
- (B) were manufactured before July 1, 2010;

may be sold, supplied, or offered for sale until July 1, 2011, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date, in accordance with section 6(a) of this rule.

(3) Notification for products sold during the sell-through period. Any person who sells or supplies any solid air fresheners or toilet or urinal care product that contains para-dichlorobenzene must notify the purchaser of the product in writing that the sell-through period for the product will end on July 1, 2011, if both of the following conditions are met:

- (A) The product is sold or supplied to a distributor or retailer.
- (B) The product is sold or supplied on or after December 30, 2010.

\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-3](#))

#### **[326 IAC 8-15-4](#) Exemptions**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 4. (a) This rule shall not apply to any consumer product manufactured in Indiana for shipment and use outside of Indiana.

(b) This rule shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in Indiana a consumer product that does not comply with the VOC standards specified in section 3(a) of this

rule, as long as the manufacturer or distributor can demonstrate both that the:

- (1) consumer product is intended for shipment and use outside of Indiana; and
- (2) manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed in Indiana.

(c) Subsection (b) does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in Indiana.

(d) The MVOC content standards specified in section 3(a) of this rule for antiperspirants or deodorants shall not apply to ethanol.

(e) The VOC limits specified in section 3(a) of this rule shall not apply to the following:

- (1) Fragrances up to a combined level of two percent (2%) by weight contained in any consumer product and shall not apply to colorants up to a combined level of two percent (2%) by weight contained in any antiperspirant or deodorant.
- (2) Antiperspirants or deodorants, for those VOCs that contain more than ten (10) carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of two (2) mm Hg or less at twenty (20) degrees Celsius.
- (3) Any LVP-VOC.
- (4) Air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under section 2 of this rule or exempted under subdivision (3).
- (5) Insecticides containing at least ninety-eight percent (98%) para-dichlorobenzene.
- (6) Adhesives sold in containers of one (1) fluid ounce or less.
- (7) Bait station insecticides. For purposes of this subsection, "bait station insecticides" means containers enclosing an insecticidal bait that is not more than five-tenths (0.5) ounce by weight, where the bait is:
  - (A) designed to be ingested by insects; and
  - (B) composed of solid material feeding stimulants with less than five percent (5%) active ingredients.

(f) The requirements of section 6(a) of this rule shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.).\*

\*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-4](#))

### **[326 IAC 8-15-5](#) Innovative products exemption**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 5. (a) A consumer product is exempt from the VOC limit requirements of section 3(a) of this rule if the manufacturer has been granted an innovative product exemption by one (1) of the following:

- (1) The CARB under the Innovative Products provisions in:
  - (A) Subchapter 8.5, Article 2, Section 94511 of Title 17 of the California Code of Regulations; or
  - (B) Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the California Code of Regulations.
- (2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with an innovative products exemption provision substantially equivalent to the OTC "Model Rule for Consumer Products\*", September 13, 2006.

(b) An innovative products exemption in accordance with subsection (a) shall be valid for use in Indiana when all of the following requirements are met:

- (1) The innovative product exemption is still in effect and has not expired.
- (2) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(1)

shall do the following:

- (A) Submit to the department a copy of the CARB innovative product exemption decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.
  - (B) Maintain all information specified in the innovative product exemption approving an innovative product application for a minimum of three (3) years after the expiration of the exemption.
  - (C) Make all records available to the department or the U.S. EPA upon request.
- (3) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(2) shall certify to the department the following:
- (A) The product (including its form) for which the innovative products exemption is being used to comply with this rule satisfies the following requirements:
    - (i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.
    - (ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the innovative products exemption is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.
  - (B) The manufacturer must demonstrate to the department by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems, or other fact, the use of the product will result in less VOC emissions compared to either the VOC emissions from a representative chemically formulated consumer product that complies with the VOC content limits in section 3(a) of this rule, or as compared to the calculated VOC emissions from a noncomplying representative product, if the product has been reformulated to comply with the VOC limits specified in section 3(a) of this rule.
  - (C) Prior to relying on an innovative products exemption for compliance, the manufacturer must submit to the department the following information:
    - (i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an innovative products exemption rather than meet the applicable VOC content limits in section 3(a) of this rule.
    - (ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).
    - (iii) A copy of the following:
      - (AA) The documents setting forth the innovative products exemption.
      - (BB) The issuing state's air pollution control agency's approval.
      - (CC) The issuing state's air pollution control agency's conditions of approval.
      - (DD) The demonstration of clause (B).
      - (EE) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.
      - (FF) Documentation demonstrating compliance with the innovative products exemption.
    - (iv) A statement that the innovative products exemption and the product or products for which the innovative products exemption is being used conform with the requirements of clauses (A) and (B) and this clause.

(c) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those innovative products that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective date of the limits.

(d) If the consumer product for which an exemption has been granted no longer meets the criteria for an innovative product exemption, the department may revoke the exemption as necessary.

\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-5](#))

Sec. 6. (a) The purpose of this section is to provide an alternative method to comply with the limits in section 3(a) of this rule by allowing responsible ACP parties the option of voluntarily entering into separate ACPs for consumer products as specified in this section. Only responsible ACP parties for consumer products may enter into an ACP.

(b) Any manufacturer of consumer products shall be exempt from the VOC limit requirements of section 3(a) of this rule if they have been granted an ACP agreement by one (1) of the following:

- (1) The CARB under the provisions in Subchapter 8.5, Article 4, Sections 9450-94555, of Title 17 of the California Code of Regulations.
- (2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with ACP provisions substantially equivalent to the OTC "Model Rule for Consumer Products"\* , September 13, 2006.

(c) An ACP agreement in accordance with subsection (b) shall be valid for use in Indiana when all of the following requirements are met:

- (1) The ACP agreement is in effect and has not expired.
- (2) The responsible ACP party claiming an exemption in accordance with subsection (b)(1) shall do the following:

(A) Submit to the department the following:

- (i) A copy of the CARB ACP decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.
- (ii) A statement that all ACP products within the ACP agreement are subject to the VOC limits in section 3(a) of this rule.

(B) Maintain all information specified in the ACP agreement approving an ACP exemption for a minimum of three (3) years after the expiration of the ACP.

(C) Make all records available to the department or the U.S. EPA upon request.

(3) The responsible ACP party claiming an exemption in accordance with subsection (b)(2) shall certify to the department the following:

(A) The product (including its form) for which ACP agreement exemption is being used to comply with this rule satisfies the following requirements:

- (i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.
- (ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the ACP agreement is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.

(B) Prior to relying on an ACP agreement for compliance, the responsible ACP party must submit to the department the following information:

- (i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an ACP agreement rather than meet the applicable VOC content limits in section 3(a) of this rule.
- (ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).
- (iii) A copy of the following:
  - (AA) The documents setting forth the ACP agreement.
  - (BB) The issuing state's air pollution control agency's approval.
  - (CC) The issuing state's air pollution control agency's conditions of approval.
  - (DD) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.
  - (EE) Documentation demonstrating compliance with the ACP agreement.
- (iv) A statement that the ACP agreement and the product or products for which the ACP agreement is being used conform with the requirements of clause (A) and this clause.

(d) The responsible ACP party shall notify the department, in writing, of any change not later than

fifteen (15) working days from the date that a change occurs in an ACP product's:

- (1) name;
- (2) formulation;
- (3) form;
- (4) function;
- (5) applicable product category or categories;
- (6) VOC content;
- (7) LVP content;
- (8) date codes; or
- (9) recommended product usage directions.

(e) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all ACP agreements granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those ACP agreements that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective dates of the limits.

(f) The responsible ACP party shall notify the department, in writing, upon learning that a requirement of subsection (c) is no longer satisfied.

(g) If the ACP agreement does not meet the requirements of subsection (c), the department may revoke the exemption as necessary.

*(Air Pollution Control Board; [326 IAC 8-15-6](#))*

#### **[326 IAC 8-15-7](#) Administrative requirements**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

**Sec. 7. (a) Each manufacturer of a consumer product subject to this rule shall clearly display on each consumer product container or package, the day, month, and year that the product was manufactured, or a code indicating the date according to the following requirements:**

**(1) A manufacturer who uses the following code to indicate the date of manufacture shall not be subject to the requirements of subsection (b) if the code is represented separately from other codes on the product container so that it is easily recognizable:**

**YY DDD = year year day day day**

**Where: YY = two (2) digits representing the year in which the product was manufactured; and  
DDD = three (3) digits representing the day of the year on which the product was manufactured, with 001 representing the first day of the year, 002 representing the second day of the year, and so forth, that is, the Julian date.**

**(2) The date or code shall be displayed on each consumer product container or package not later than January 1, 2010.**

**(3) The date or code information shall be located on the container or inside the cover or cap so that it is readily observable or obtainable without irreversibly disassembling any part of the container or packaging. For the purpose of this subdivision, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.**

**(4) The requirements of this subsection shall not apply to product containing no VOCs or containing VOCs at one-tenth percent (0.10%) by weight or less.**

**(b) Additional product dating requirements are as follows:**

**(1) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to this rule, an explanation of the date portion of the code shall be filed with the department**



not later than January 1, 2010.

(2) If a manufacturer changes any code indicating the date of manufacture for any product subject to subdivision (1), an explanation of the modified code shall be submitted to the department before any products displaying the modified code are sold, supplied, or offered for sale in Indiana.

(3) No person shall:

- (A) erase;
- (B) alter;
- (C) deface;
- (D) otherwise remove; or
- (E) make illegible;

any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.

(4) Date code explanations for codes indicating the date of manufacture:

- (A) are public information; and
- (B) may not be claimed as confidential.

(c) Additional labeling requirements for aerosol adhesives, adhesive removers, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesives are as follows:

(1) In addition to the requirements specified in this section and section 7 of this rule, both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesive product subject to this rule shall ensure that all products clearly display the following information on each product container that is manufactured on or after July 1, 2010:

- (A) The product category as specified in section 3(a) of this rule or an abbreviation of the category.
- (B) The applicable VOC standard for the product as specified in section 3(a) of this rule, except for energized electrical cleaner, expressed as a percentage by weight, unless the product is included in an ACP approved by the department in accordance with section 5 of this rule, and the product exceeds the applicable VOC content limit.
- (C) If the product is included in an approved ACP and the product exceeds the applicable VOC content limits in section 3(a) of this rule, the product shall be labeled with the term "ACP" or "ACP product".
- (D) If the product is classified as a special purpose spray adhesive, the applicable substrate or application, or both, or an abbreviation of the substrate or application that qualifies the product as special purpose.
- (E) If the manufacturer or responsible party uses an abbreviation as allowed by clause (D), an explanation of the abbreviation must be filed with the department before the abbreviation is used.

(2) The information required by subsection (a) shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this rule, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(3) No person shall:

- (A) remove;
- (B) alter;
- (C) conceal; or
- (D) deface;

the information required in subdivision (1) prior to final sale of the product.

(d) The following most restrictive limits apply:

(1) For products manufactured before July 1, 2010, and FIFRA registered insecticides manufactured before July 1, 2011, the following apply:

- (A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the principal display panel of any consumer product any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.
- (B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.

(2) For products manufactured on or after July 1, 2010, and FIFRA registered insecticides manufactured on or after July 1, 2011, the following apply:

- (A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the container or packaging of any consumer product, or on any sticker or label affixed

thereto, any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.

(B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.

(Air Pollution Control Board; [326 IAC 8-15-7](#))

### **[326 IAC 8-15-8](#) Record keeping and reporting requirements**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

**Sec. 8. (a)** The department may require any responsible party to report information, within ninety (90) days written notice, for any consumer product or products the department may specify, including, but not limited to, all or part of the following information:

- (1) The name, address, and telephone number of the responsible party and the name and telephone number of the responsible party's designated contact person.
- (2) Any claim of confidentiality made under [326 IAC 17.1](#).
- (3) The product brand name for each consumer product and the product label.
- (4) The product category to which the consumer product belongs.
- (5) The applicable product form or forms listed separately.
- (6) An identification of each product brand name and form as a "Household Product" or "I & I Product", or both.
- (7) Separate Indiana sales in pounds per year, to the nearest pound, and the method used to calculate Indiana sales for each product form.
- (8) For information submitted by multiple companies, an identification of each company that is submitting relevant data, separate from that submitted by the responsible party. All information from all companies shall be submitted within ninety (90) days written notice from the department.
- (9) For each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth percent (0.1%):
  - (A) Total of Table B compounds.
  - (B) Total of LVP-VOCs that are not fragrances.
  - (C) Total of all other carbon containing compounds that are not fragrances.
  - (D) Total of all noncarbon containing compounds.
  - (E) Total of fragrance.
  - (F) For products containing greater than two percent (2%), by weight, fragrance:
    - (i) the percent of fragrance that is LVP-VOCs; and
    - (ii) the percent of fragrance that is all other carbon containing compounds.
  - (G) Total of para-dichlorobenzene.
- (10) For each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:
  - (A) Each Table B compound.
  - (B) Each LVP-VOC that is not a fragrance.
- (11) If applicable, the weight percent comprised of propellant for each product.
- (12) If applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types).

(b) If the responsible party does not have or does not provide the information requested, the department may require the reporting of this information by the person that has the information, including, but not limited to, any of, the following:

- (1) The formulator.
- (2) The manufacturer.
- (3) The supplier.
- (4) The parent company.
- (5) The private labeler.
- (6) The distributor.
- (7) The repackager.

(c) The following special reporting requirements apply to consumer products subject to this rule that contain perchloroethylene or methylene chloride:

(1) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in Indiana upon request of the department within ninety (90) days written notice:

(A) The product brand name and a copy of the product label with legible usage instructions.

(B) The product category to which the consumer product belongs.

(C) The applicable product form or forms (listed separately).

(D) For each product form listed, the total sales in Indiana during the calendar year, to the nearest pound (exclusive of the container and packaging), and the method used for calculating the Indiana sales.

(E) The weight percent, to the nearest one-tenth percent (0.10%), of perchloroethylene and methylene chloride in the consumer product.

(2) For purposes of this subsection, "contains perchloroethylene or methylene chloride" means the product contains one percent (1.0%) or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.

(d) Persons subject to this rule shall do the following:

(1) Maintain all records for a minimum of three (3) years.

(2) Make records available to the department and U.S. EPA upon request.

(e) Any person supplying information under this rule may request that the information be kept confidential as trade secret information, and the department will evaluate the claim in accordance with [326 IAC 17.1](#).

(Air Pollution Control Board; [326 IAC 8-15-8](#))

#### [326 IAC 8-15-9](#) Test methods

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 8. (a) Testing to determine compliance with the VOC content limits specified in section 3(a) of this rule shall be performed using either of the following:

(1) CARB Method 310\*, "Determination of Volatile Organic Compounds in Consumer Products".

(2) An alternative method that is shown to accurately determine the concentration of VOCs in a product. The alternative method must first be approved in writing by the department and U.S. EPA.

(b) Compliance with the VOC content limits specified in section 3(a) of this rule may be demonstrated through calculation of the VOC content of a consumer product from records of the amounts of constituents used to make the product (excluding packaging), under the following criteria:

(1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. A manufacturer subject to this rule shall do the following:

(A) Maintain all records for a minimum of three (3) years.

(B) Make records available to the department and U.S. EPA upon request.

(2) For purposes of this section, the VOC content of a product shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{\text{B} - \text{C}}{\text{A}} \times 100$$

Where: A = Total net weight of a unit of product (excluding any packaging).

B = Total weight of all VOCs, per unit.

C = Total weight of VOCs exempted, per unit.

(3) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using CARB Method 310\*, the results of CARB Method

**310\*:**

**(A) shall take precedence over the product records; and**

**(B) may be used to establish a violation of the requirements of the VOC content limits in section 3(a) of this rule.**

**(c) Testing to determine whether a product is a liquid or a solid shall be performed using ASTM D 4359-90(2000)e1\*.**

**(d) Testing to determine distillation points of petroleum distillate based charcoal lighter materials shall be performed using ASTM D 86-04b (2004)\*.**

**(e) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect:**

**(1) the constituents used to manufacture a product;**

**(2) the chemical composition of the individual product; and**

**(3) any other test, processes, or records used in connection with product manufacture.**

**\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

*(Air Pollution Control Board; [326 IAC 8-15-9](#))*

[Notice of Public Hearing](#)

*Posted: 01/21/2009 by Legislative Services Agency*

An [html](#) version of this document.

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Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2009A)

*IDEM*

(Governmental Unit)

To: The Times Media Company

Lake County, Indiana

601-45th Avenue, Munster, IN 46321

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines -----

Head -- number of lines -----

Body -- number of lines -----

Tail -- number of lines -----

Total number of lines in notice -----

**COMPUTATION OF CHARGES**

*234* lines, ..... columns wide equals *234* equivalent lines at 35.4 cents per line ----- \$ *82.93*

Additional charges for notices containing rule or tabular work (50 per cent of above amount) -----

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) -----

TOTAL AMOUNT OF CLAIM ----- \$ *82.93*

*# 20097554*

**DATA FOR COMPUTING COST**

Width of single column in picas 9p4

Size of type 7.0 point.

Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper one (1) time. The dates of publication being as follows:

*April 27, 2010*

Additionally, the statement checked below is true and correct:

- ..... Newspaper does not have a Web site.
- X... Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- ..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on .....
- ..... Newspaper has a Web site but refuses to post the public notice.

Date *April 27 2010*

Kate Stephens *[Signature]*  
Title: Legal Clerk

# THE TIMES MEDIA COMPANY, MUNSTER, IN

## Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

- Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.
- Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204.
- Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.
- Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.
- Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.
- Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.
- Indiana Department of Environmental Management, Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.
- Hammond Public Library, 564 State Street, Hammond, Indiana 46320.
- Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.
- Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action:

**2009 Update of "References to the Code of Federal Regulations" (LSA #10-112):** The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-48, 326 IAC 19-2-1 and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

**Lead National Ambient Air Quality Standard (LSA #10-127):** The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4 Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

**Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604):** The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone.

The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

**Consumer and Commercial Products (LSA#07-351):** The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

**Outdoor Hydronic Heaters (LSA#05-332):** The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

The draft rule adds new requirements for outdoor hydronic heaters to address PM2.5 emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or [sbem@idem.in.gov](mailto:sbem@idem.in.gov).

For these hearings, oral statements will be heard, but for the accuracy of the record, please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief  
Rule and State Implementation Plan  
Development Section  
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator  
Indiana Department of  
Environmental Management  
100 N. Senate Avenue  
Indianapolis, IN 46204  
or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours notification.  
4/27 - 20297554

5/10

XI16 Indiana Dept of Environmental Mgmt To EVANSVILLE COURIER & PRESS  
 (Governmental Unit)  
VANDERBURGH County, Indiana PO Box 268, Evansville, IN 47702

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines 486  
 Head -- number of lines 0  
 Body -- number of lines 486  
 Tail -- number of lines 0  
 Total number of lines in notice 486

**COMPUTATION OF CHARGES**

243 lines, 2 columns wide equals 486 equivalent lines at 0.2216 cents per line \$ 107.70  
 Additional charges for notices containing rule or tabular work (50 per cent of above amount) \$ -  
 Charge for extra proofs of publication (\$1.00 for each proof in excess of two) \$ -  
**TOTAL AMOUNT OF CLAIM** \$ 107.70

ATTACH COPY OF CLIPPING HERE

**DATA FOR COMPUTING COST**

Width of single column in picas 5p8 Size of type 7 point  
 Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:

April 30, 2010

Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- Newspaper has a Web site, but due to technical problem or error, public notice was posted on .....
- Newspaper has a Web site but refuses to post the public notice.

Date

5/8/10

Title

Julie Lewis  
 Accounting Clerk

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# EVANSVILLE COURIER AND PRESS, EVANSVILLE, IN

## LEGAL NOTICE OF PUBLIC HEARING

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.  
Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.  
Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

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The following rules are noticed for hearing and action:

2009 Update of "References to the Code of Federal Regulations" (LSA #10-112). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-48, 326 IAC 19-2-1 and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleve@clem.in.gov](mailto:mcleve@clem.in.gov).

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4, Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleve@clem.in.gov](mailto:mcleve@clem.in.gov).

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

The draft rule adds new requirements for outdoor hydronic heaters to address PM<sub>2.5</sub> emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or [sbem@idem.in.gov](mailto:sbem@idem.in.gov).

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Christine Pedersen, Chief  
Rule and State Implementation Plan Development Section  
Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours notification. (Courier & Press April 30, 2010)

IND DEPT ENVIRONMENTAL MGMT  
MARION COUNTY, INDIANA

To: INDIANAPOLIS NEWSPAPERS  
307 N PENNSYLVANIA ST - PO BOX 145  
INDIANAPOLIS, IN 46206-0145

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Matter - (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set). - number of equivalent lines \_\_\_\_\_

Head - Number of lines \_\_\_\_\_

Body - Number of lines \_\_\_\_\_

Tail - Number of lines \_\_\_\_\_

Total number of lines in notice \_\_\_\_\_

**COMPUTATION OF CHARGES**

167.0 lines 2.0 columns wide equals 334.0 equivalent lines at .446 cents per line \$ 148.96

Additional charge for notices containing rule and figure work (50 per cent of above amount) \_\_\_\_\_

Charges for extra proofs of publication (\$1.00 for each proof in excess of two) .00

**TOTAL AMOUNT OF CLAIM** \$ 148.96

**DATA FOR COMPUTING COST**

Width of single column 5.8 ems Size of type 7

Number of insertions 1.0

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being between the dates of:

**04/29/2010 and 04/29/2010**

Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper
- Newspaper has a Web site, but due to a technical problem or error, public notice was posted on \_\_\_\_\_
- Newspaper has a Web site but refuses to post the public notice.

*Kerry Dodson*

DATE: 04/29/2010

Title: Clerk

# INDIANAPOLIS STAR AND NEWS, INDIANAPOLIS, IN

## Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School Auditorium, 230 South Merr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

Legislative Services Agency, One North Capitol Avenue, Suite 325, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47367-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownsburg, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46402.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47712.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4730.htm>.

The following rules are noticed for hearing and action: 2009 Update of "References to the Code of Federal Regulations" (LSA #10-112). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-4b, 326 IAC 3-2-1, and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 328 IAC 1-3-4 Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

Architectural and Industrial Maintenance (AIM) Coatings (LSA #06-044). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for preliminary adoption by the board.

The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 3-8628) (in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

Consumer and Commercial Products (LSA #07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

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Christine Pedersen, Chief  
Rule and State Implementation Plan Development Section  
Office of Air Quality

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Attn: ADA Coordinator,  
Indiana Department of Environmental Management,  
100 N. Senate Avenue  
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3933. Please provide a minimum of 72 hours' notification.

(S 4/29/10 5641153)

ATTACH COPY OF ADVERTISEMENT HERE

Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2009A)

IDEM  
(Governmental Unit)

CLARK County, Indiana

To:  
THE EVENING NEWS  
221 SPRING STREET  
JEFFERSONVILLE, IN 47130

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines ..... 293  
Body -- number of lines .....  
Tail -- number of lines .....  
Total number of lines in notice ..... 293

COMPUTATION OF CHARGES

293 lines, ..... 1 ..... columns wide equals 293 equivalent lines at ..... 3422 cents per line ..... \$ 100.27  
Additional charges for notices containing rule or tabular work (50 per cent of above amount) .....  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) .....  
TOTAL AMOUNT OF CLAIM ..... \$ 100.27

DATA FOR COMPUTING COST

Width of single column in picas ..... Size of type ..... 7 ..... point  
Number of insertions ..... 1 .....

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper ..... 1 ..... times. The dates of publication being as follows:

April 28, 2010

Additionally, the statement checked below is true and correct:

- ..... Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- ..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on .....
- ..... Newspaper has a Web site but refuses to post the public notice.

Date 4-28-10

Melissa Tolnay  
Legal Clerk

06523730

# CLARK COUNTY EVENING NEWS, JEFFERSONVILLE, IN

## LEGAL NOTICE of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, June 2, 2010. The meeting will convene at 4:00 p.m. at Columbus East High School, Auditorium, 230 South Marr Road, Columbus, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions. The public hearing for the Outdoor Hydronic Heater rule will not begin before 6:00 p.m.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

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Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

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Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

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Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at

<http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action:

2009 Update of "References to the Code of Federal Regulations" (LSA #10-112). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-1-3, 326 IAC 1-2-48, 326 IAC 19-2-1 and 326 IAC 20-28 that are proposed for adoption by the board. This draft rule updates the "References to the Code of Federal Regulations" to mean the July 1, 2009 edition, and updates citations to the Federal Register that are incorporated by reference.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

Lead National Ambient Air Quality Standard (LSA #10-127). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-3-4, Ambient Air Quality Standards that are proposed for adoption by the board. This draft rule incorporates the federal lead standard into state rules.

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The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (April 1 through September 30).

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Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for preliminary adoption by the board.

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Christine Pedersen, Chief Rule and State Implementation Plan Development Section

Office of Air Quality

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Indiana Department of Environmental Management

100 N. Senate Avenue  
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours= notification.

# The Journal Gazette

Account # 1060944 - 812926

Allen County, Indiana

Ind Dept Of Environmental Mgmt

## PUBLISHER'S CLAIM

### LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines \_\_\_\_\_

Head -- number of lines \_\_\_\_\_

Body -- number of lines \_\_\_\_\_

Tail -- number of lines \_\_\_\_\_

Total number of lines in notice **264**

### COMPUTATION OF CHARGES

132 lines, 2 column(s) wide equals

264 equivalent lines at \$ 0.371 cents per line \$ 97.94

Additional charges for notices containing rule or tabular work  
(50 per cent of above amount) 48.97

Charge for extra proofs of publication  
(\$1.00 for each proof in excess of two) -

**TOTAL AMOUNT OF CLAIM \$ 146.91**

### DATA FOR COMPUTING COST

Width of single column in picas . . . . 9.8 Size of type . . . . 7point.

Number of Insertions . . . . 1

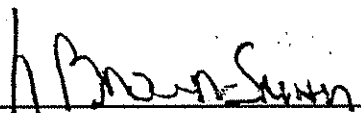
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

4/24/2010

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.



T. Brown-Smith

Legal Clerk

Date: April 24, 2010

ATTACH COPY OF ADVERTISEMENT HERE

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. \_\_\_\_\_ Warrant No. \_\_\_\_\_

---

IN FAVOR OF

---

\$ \_\_\_\_\_

ON ACCOUNT OF APPROPRIATION FOR

---

Appropriation No. \_\_\_\_\_

---

ALLOWED \_\_\_\_\_

IN THE SUM OF \$ \_\_\_\_\_

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I have examined the within claim and hereby certify as follows:

- That it is in proper form.
- That it is duly authenticated as required by law.
- That it is based upon statutory authority.

That it is apparently  correct  
 incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

# THE JOURNAL GAZETTE, FT. WAYNE, IN

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Christine Pedersen, Chief  
Rule and State Implementation Plan Development Section  
Office of Air Quality

\*\*\*\*\*

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100 N. Senate Avenue  
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours= notification.

07-351

Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2009A)

*IDEM*

(Governmental Unit)

To: The Times Media Company

Lake County, Indiana

601-45th Avenue, Munster, IN 46321

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines -----

Head -- number of lines -----

Body -- number of lines -----

Tail -- number of lines -----

Total number of lines in notice -----

**COMPUTATION OF CHARGES**

*138* lines, *2* columns wide equals *276* equivalent lines at 35.4 cents per line ----- \$ *97.81*

Additional charges for notices containing rule or tabular work (50 per cent of above amount) -----

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) -----

TOTAL AMOUNT OF CLAIM ----- \$ *97.81*

# *26325179*

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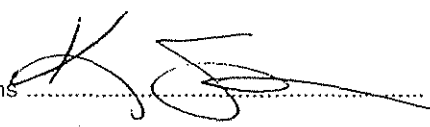
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- ..... Newspaper has a Web site but refuses to post the public notice.

Date *August 3, 2010*

Kate Stephens   
 Title: Legal Clerk

# THE TIMES MEDIA COMPANY, MUNSTER, IN

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Christine Pedersen, Chief  
Rule and State Implementation Plan Development Section  
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Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours notification. 7/30 - 20325174



THE JOURNAL GAZETTE, FT. WAYNE, IN

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7-28 837551

8/9

XI16 Indiana Dept of Environmental Mgmt To EVANSVILLE COURIER & PRESS  
 (Governmental Unit)  
VANDERBURGH County, Indiana PO Box 268, Evansville, IN 47702

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277.5 lines, 2 columns wide equals 555 equivalent lines at 0.2216 cents per line \$ 122.99  
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 Charge for extra proofs of publication (\$1.00 for each proof in excess of two) \$ -  
**TOTAL AMOUNT OF CLAIM** \$ 122.99

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Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:

July 29, 2010

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Date

8/3/10

Title

Julie Lewis  
 Accounting Clerk

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Indiana Department of Environmental Management  
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(Courier & Press July 29, 2010)

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MARION COUNTY, INDIANA

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COMPUTATION OF CHARGES

188.0 lines 2.0 columns wide equals 376.0 equivalent lines at .446 cents per line \$ 167.70

Additional charge for notices containing rule and figure work (50 per cent of above amount) \_\_\_\_\_

Charges for extra proofs of publication (\$1.00 for each proof in excess of two) .00

TOTAL AMOUNT OF CLAIM \$ 167.70

DATA FOR COMPUTING COST

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**07/31/2010 and 07/31/2010**

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Kerry Dodson

DATE: 07/31/2010

Title: Clerk



# INDIANAPOLIS STAR AND NEWS, INDIANAPOLIS, IN

## Legal Notice of Public Hearing

Under 40 CFR 51.102 notice is hereby given that the Indiana Air Pollution Control Board (board) will hold public hearings at its regularly scheduled meeting on Wednesday, September 1, 2010. The meeting will convene at 1:00 p.m. at the Indiana Government Center-South, Conference Room C, 402 West Washington Street, Indianapolis, Indiana. The purpose of the hearings is to receive public comments prior to the proposed actions. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed actions.

Copies of the draft and proposed rules are available to any person upon request and are available for public inspection at the following locations:

Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, 10th floor-East wing, Indianapolis, Indiana 46204.

Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana 46204.

Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46611.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-0577.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

Allen County Public Library, 900 Library Plaza, Fort Wayne, Indiana 46802.

Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.

Board documents may be viewed and downloaded from the Indiana Department of Environmental Management's Web site as early as one week prior to the meeting at <http://www.in.gov/idem/4710.htm>.

The following rules are noticed for hearing and action: Ozone Redesignations (LSA #10-342). The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-4 that is proposed for adoption by the board. This draft rule amends the attainment status for Dearborn County, Lake County and Porter County to attainment for the 8-hour ozone standard.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8279 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

VOC RACT Amendments (LSA #10-413). The purpose of this hearing is to receive public comment on amendments to 326 IAC 8-2-1 and 326 IAC 8-2-9, concerning miscellaneous metal and plastic surface coating operations that are proposed for adoption by the board. This draft rule clarifies that surface coating of plastic parts at sources not located in Lake and Porter County are excluded from the applicability of this rule.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or [sbem@idem.in.gov](mailto:sbem@idem.in.gov).

Best Available Retrofit Technology (BART) Limits (LSA #09-498). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 26-7, concerning best available retrofit technology emission limits that is proposed for preliminary adoption by the board. The draft rule adds emission limits for Alcoa, Inc. in Warrick County to address the BART requirements under the Regional Haze rule.

For additional information concerning this rule contact Christine Pedersen at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5684 or (800) 451-6027 (ext. 3-5684) (in Indiana), or [cpedersen@idem.in.gov](mailto:cpedersen@idem.in.gov).

Architectural and Industrial Maintenance (AIM) Coatings (LSA#06-604). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-14, concerning emissions of volatile organic compounds (VOCs) from architectural and industrial maintenance (AIM) coatings that is proposed for final adoption by the board. The draft rule adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (May 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

Consumer and Commercial Products (LSA#07-351). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 8-15, concerning emissions of volatile organic compounds from consumer and commercial products that is proposed for final adoption by the board. The draft rule adds requirements for volatile organic compounds (VOCs) from consumer and commercial products as part of a regional effort to control ozone. The draft rule, based on the Ozone Transport Commission model rule, establishes VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

Carroll, Inc. Particulate Matter and Sulfur Dioxide Emission Limits (LSA#09-476). The purpose of this hearing is to receive public comment on amendments to 326 IAC 8-17 concerning the particulate matter (PM) and sulfur dioxide (SO<sub>2</sub>) emission limitations at Carroll, Incorporated, (Carroll) in Hammond, Indiana that are proposed for final adoption by the board. The draft rule updates Carroll's SO<sub>2</sub> emission limits for consistency with a federal consent decree that moves emissions units no longer in operation at Carroll. It also removes emissions units in the PM rules that Carroll has shut down.

For additional information concerning this rule contact Manda Clevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8279 or (800) 451-6027 (ext. 2-8229) (in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

Outdoor Hydronic Heaters (LSA#05-332). The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The draft rule adds new requirements for outdoor hydronic heaters to address PM<sub>2.5</sub> emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697) (in Indiana), or [sbem@idem.in.gov](mailto:sbem@idem.in.gov).

For these hearings oral statements will be heard, but for the accuracy of the record please submit statements in writing to the attendant designated to receive written comments at the public hearing.

A transcript of the hearings and all written submissions to the board at the public hearings shall be open to public inspection at the Indiana Department of Environmental Management; copies may be made available to any person upon payment of reproduction costs. Any person heard or represented at the hearing or requesting notice shall be given written notice of the action of the board.

Christine Pedersen, Chief Rule and State Implementation Plan Development Section, Office of Air Quality

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

ADA Coordinator  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
Indianapolis, IN 46204

or call (317) 233-1785. Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours notification.

(S - 7/31/10 - 5685328)

**IDEM- Office of Air Quality**

(Governmental Unit)

Clark County, Indiana

To:  
THE EVENING NEWS  
221 SPRING ST  
JEFFERSONVILLE, IN 47130

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines	-----	342
Body -- number of lines	-----	
Tail -- number of lines	-----	
Total number of lines in notice	-----	342

**COMPUTATION OF CHARGES**

<u>342</u> lines <u>1</u> columns wide equals <u>342</u> equivalent lines at <u>.2690</u> cents per line	\$ <u>92.00</u>
Additional charges for notices containing rule or tabular work (50 per cent of above amount)	-----
Charge for extra proofs of publication (\$1.00 for each proof in excess of two)	-----
<b>TOTAL AMOUNT OF CLAIM</b>	<b>\$ <u>92.00</u></b>

**DATA FOR COMPUTING COST**

Width of single column in picas 7pica 1 pt Size of type 7 point.  
Number of insertions 1

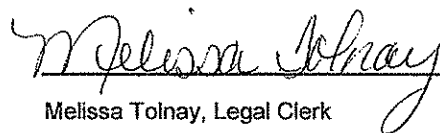
Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times. The dates of publication being as follows:

**July 30, 2010**

Additionally, the statement checked below is true and correct:

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Melissa Tolnay, Legal Clerk

Date ..... 09/10/10

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IN FAVOR OF

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ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. \_\_\_\_\_

ALLOWED \_\_\_\_\_

IN THE SUM OF \$ \_\_\_\_\_

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently  correct  
 incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

See table of legal rates in the applicable State Board of Accounts Bulletin

## CLARK COUNTY EVENING NEWS, JEFFERSONVILLE, IN

### Legal Notice

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Indiana Department of Environmental Management, Northwest Office, 8380 Louisiana Street, Merrillville, Indiana 46410.

Indiana Department of Environmental Management, Northern Office, Suite 450, 300 N. Michigan Street, South Bend, Indiana 46601.

Indiana Department of Environmental Management, Southwest Office, 1120 North Vincennes Avenue, P.O. Box 128, Petersburg, Indiana 47567-0128.

Indiana Department of Environmental Management, Southeast Office, 820 West Sweet Street, Brownstown, Indiana 47220-9557.

Indianapolis Central Library, 40 East St. Clair Street, Indianapolis, Indiana 46204.

Hammond Public Library, 564 State Street, Hammond, Indiana 46320.

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Evansville Vanderburgh Public Library, 200 SE Martin Luther King Jr. Blvd., Evansville, Indiana 47713.  
Board documents may be viewed and downloaded from the Indiana Depart-

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The following rules are notified for hearing and action: **Ozone Redesignations (LSA #10-342)**. The purpose of this hearing is to receive public comment on amendments to 326 IAC 1-4 that is proposed for adoption by the board. This draft rule amends the attainment status for Dearborn County, Lake County and Porter County to attainment for the 8-hour ozone standard.

For additional information concerning this rule contact Manda Clevevenger at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 232-8229 or (800) 451-6027 (ext. 2-8229)(in Indiana), or [mcleveng@idem.in.gov](mailto:mcleveng@idem.in.gov).

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For additional information concerning this rule contact Susan Bem at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5697 or (800) 451-6027 (ext. 3-5697)(in Indiana), or [sbem@idem.in.gov](mailto:sbem@idem.in.gov).

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For additional information concerning this rule contact Christine Pedersen at the Indiana Department of Environmental Management, Office of Air

Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-5684 or (800) 451-6027 (ext. 3-5684)(in Indiana), or

[cpederse@idem.in.gov](mailto:cpederse@idem.in.gov).

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adds requirements for VOCs from AIM coatings as part of a regional effort to control ozone. The draft emission limits, based on the Ozone Transport Commission model rule, are at a level at which a substantial number of coatings already exist that comply with the VOC content limits for each product category. The draft rule contains additional VOC content requirements and application standards for traffic marking coatings that will be applicable during the ozone season (May 1 through September 30).

For additional information concerning this rule contact Amy Smith at the Indiana Department of Environmental Management, Office of Air Quality, Room 1003, Indiana Government Center North, 100 North Senate Avenue, Indianapolis at (317) 233-8628 or (800) 451-6027 (ext. 2-8229)(in Indiana), or [asmith@idem.in.gov](mailto:asmith@idem.in.gov).

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**Outdoor Hydronic Heaters (LSA#05-332)**. The purpose of this hearing is to receive public comment on a new rule, 326 IAC 4-3, concerning outdoor hydronic heaters that is proposed for preliminary adoption by the board. The draft rule adds new requirements for outdoor hydronic heaters to address PM<sub>2.5</sub> emissions. It adds new language to address emission limits for new units, operating requirements for existing units, modifications for certain existing units and notice requirements for sellers of the units.

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.....  
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Indiana Department of Environmental Management  
100 N. Senate Avenue  
Indianapolis, IN 46204  
or call (317) 233-1785.  
Speech and hearing impaired callers may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours= notification.

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BEFORE THE STATE OF INDIANA  
AIR POLLUTION CONTROL BOARD

- - -

PUBLIC MEETING OF JUNE 2, 2010

- - -

ORIGINAL

PROCEEDINGS

before the Indiana Air Pollution Control Board,  
Dr. James Miner, Chairman, taken before me,  
Lindy L. Meyer, Jr., a Notary Public in and for  
the State of Indiana, County of Shelby, at  
Columbus East High School Auditorium, 230 South  
Marr Road, Columbus, Indiana, on Wednesday,  
June 2, 2010 at 4:13 o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 Brighton Avenue  
Carmel, Indiana 46032  
(317) 848-0088

## 1 APPEARANCES:

## 2 BOARD MEMBERS:

3 Dr. James Miner, M.D.  
4 Thomas Anderson  
5 Randy Staley  
6 Gregory Kissel  
7 Chris Horn  
8 Dr. Phil Stevens  
9 Jeffery Quyle  
10 David Benshoof  
11 Howard W. Cundiff, Proxy, State Board of  
12 Health  
13 John Bacone, Proxy, Department of  
14 Natural Resources  
15 Pamela Fisher, Proxy, Indiana Economic  
16 Development Corporation

10

## 11 IDEM STAFF MEMBERS:

12 Thomas W. Easterly, IDEM Commissioner  
13 Keith Baugues, Asst. Commissioner  
14 Scott Deloney  
15 Chris Pedersen  
16 Manda Clevenger  
17 Amy Smith  
18 Cynthia Holladay  
19 Susan Bem  
20 Ann Long  
21 Catherine Mitchell

16

## 17 PUBLIC SPEAKERS:

18 Paul Berebitsky  
19 David C. Ragan  
20 Mark Kessler  
21 Jimmy W. Bates  
22 Frank L. Moore  
23 Patty Nocek  
Ron Phillips  
Deborah Chubb  
Paul Hoopengarner  
Mark Johns  
Tom Moosbrugger  
Greg Walker

1 PUBLIC SPEAKERS (CONT.):  
2 Lisa Deaton  
3 Jerry Clark  
4 Roy Burton  
5 David Miller (his wife)  
6 Jodi Perras  
7 Roger Hunter  
8 Janet Gunter  
9 Edwin A. Moll  
10 Diane Titus  
11 Dan Hasty  
12 Blaine Boyland  
13 Dan West  
14 Zach Morris  
15 Gary Kendrick  
16 Brian Hoagland  
17 Steve Musgrave

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1 (No response.)

2 CHAIRMAN MINER: The motion carries  
3 for preliminary adoption.

4 The next item on the agenda is a public  
5 hearing before the Air Pollution Control Board of  
6 the State of Indiana regarding preliminary  
7 adoption of new rule 326 IAC 8-15, Consumer and  
8 commercial products.

9 We will now introduce Exhibit No. 5 --  
10 thank you, Chris -- the draft rule, into the  
11 record of the hearing.

12 Is there someone from the Department who  
13 wishes to speak in regards to this rule?

14 MR. DELONEY: Amy Smith.

15 CHAIRMAN MINER: Ms. Smith?

16 MS. SMITH: Again, my name's Amy  
17 Smith, and I'm a rule writer in IDEM's Rule and  
18 SIP Development Section.

19 In this rulemaking, IDEM proposes to add a  
20 new rule to the Article 8 VOC Rules at  
21 326 IAC 8-15 concerning consumer and commercial  
22 products.

23 This rulemaking, along with the AIM

1 Coatings Rule, is part of a larger group of VOC  
2 control rules that Indiana has agreed to complete  
3 based on recommendations from the Lake Michigan  
4 Air Directors Consortium to its member states to  
5 reduce VOC emissions and ozone formation in the  
6 Upper Midwest and the Eastern United States.

7 Consumer commercial products are those  
8 items sold to retail customers for personal,  
9 household, or automotive use, along with the  
10 products marketed by wholesale distributors for  
11 use in commercial or institutional settings such  
12 as beauty shops, schools and hospitals.

13 Consumer and commercial products include  
14 hundreds of individual products, including  
15 personal care products, household products,  
16 automotive aftermarket products, adhesives and  
17 sealants, insecticides, and other miscellaneous  
18 products. VOC emissions from these products are  
19 the result of the evaporation of propellant and  
20 organic solvents during use.

21 The Federal Government currently regulates  
22 VOC's from consumer and commercial products at  
23 40 CFR 59, Subpart C, which became effective on

1 December 10th, 1998. The federal rule limits the  
2 VOC content of 24 product categories representing  
3 48 percent of the consumer and commercial  
4 products inventory nationwide. But since over  
5 half of the consumer and commercial products  
6 inventory is unaffected by the federal rule, it  
7 is estimated to only yield VOC reductions of 9.7  
8 percent from uncontrolled levels for the entire  
9 consumer and commercial products category.

10 Indiana's draft rule is based on the Ozone  
11 Transport Commission's (OTC) 2006 model rule.  
12 The OTC is a multistate organization created  
13 under the Clean Air Act that is responsible for  
14 developing regional solutions to the ground level  
15 ozone problem in the Northeast and Mid-Atlantic  
16 regions of the U.S. The OTC model rule includes  
17 technologically feasible VOC content limits for  
18 many additional consumer and commercial product  
19 categories not covered by the federal rule.

20 The VOC content limits and requirements of  
21 the OTC model rule are currently in force in  
22 California and approximately half of the OTC  
23 states including Connecticut, Maine, Maryland,

1 Massachusetts, New Jersey and Pennsylvania.  
2 Delaware and the District of Columbia are  
3 currently revising their existing consumer and  
4 commercial products VOC rules to add the  
5 additional categories included in the 2006 OTC  
6 model rule. Additionally, Illinois, Michigan and  
7 Ohio have adopted consumer and commercial  
8 products rules with the VOC content limits  
9 specified in the 2006 OTC model rule.

10 This draft rule applies to any person who  
11 sells, supplies, offers for sale, or manufactures  
12 consumer products for use within Indiana. The  
13 draft rule includes VOC content limits for more  
14 than 90 categories of consumer and commercial  
15 products. For the categories that are currently  
16 regulated by the existing federal rule, however,  
17 the draft rule generally lowers the VOC content  
18 limits for those products.

19 The draft rule also includes exemptions  
20 including an innovative products exemption, an  
21 option of an alternative control plan that allows  
22 an alternative method to comply with the VOC  
23 limits, labeling requirements, record keeping and

1 reporting requirements, and compliance and test  
2 methods.

3 In order to ease implementation, the rule  
4 has a sell-through provision that permits  
5 consumer products manufactured prior to the  
6 effective date of the draft rule to continue to  
7 be sold, supplied or offered for sale after the  
8 effective date. Finally, consumer products  
9 registered under the Federal Insecticide,  
10 Fungicide and Rodenticide Act have an additional  
11 year to comply with the VOC standards.

12 Although the draft rule is substantively  
13 based on the OTC model rule, Indiana has opted  
14 not to include the following provisions from the  
15 OTC model rule: State specific certification  
16 procedures for charcoal lighter materials and  
17 innovative product exemptions, the VOC content  
18 limits for toilet or urinal care products, the  
19 ban on para-dichlorobenzene in solid air  
20 fresheners and toilet or urinal care products,  
21 and the model rule's variance provisions.

22 Regarding specific language in the OTC  
23 model rule dealing with state certification for

1 charcoal lighter materials and innovative  
2 products exemption, the Department will recognize  
3 certifications issued by either the California  
4 Air Resources Board or another state's air  
5 pollution control agency.

6           The OTC model rule regulates toilet and  
7 urinal care products more stringently than the  
8 existing federal rule. However, because of the  
9 inconsistency among other states that have  
10 adopted the OTC model rule and the VOC content  
11 limits for toilet or urinal care products and the  
12 ban on para-dichlorobenzene in solid air  
13 fresheners and toilet or urinal care products,  
14 the Department has opted to not include those  
15 provisions in the draft rule.

16           Finally, the Department did not include  
17 the model rule's variance provisions because  
18 Indiana has a general variance provision for  
19 environmental rules found in the Indiana Code in  
20 Section 13-14-8-8.

21           Indiana, as a participant in LADCO, has  
22 agreed to regulate VOC emissions from source  
23 categories that it has not previously regulated

1 in order to reduce its contribution to regional  
2 ozone formation. The reductions in VOC's  
3 expected from this rulemaking are part of the  
4 Department's State Implementation Plan  
5 development process.

6 The Department requests that the Board  
7 adopt the new rule concerning consumer and  
8 commercial products to the Article 8 VOC rules at  
9 326 IAC 8-15.

10 CHAIRMAN MINER: Thank you,  
11 Ms. Smith.

12 Is there anyone present who wishes to  
13 speak in regards to this rule? I have no  
14 submitted cards at this time.

15 (No response.)

16 CHAIRMAN MINER: Seeing none, this  
17 hearing is now concluded. We are ready for Board  
18 action on preliminary adoption of the new rule,  
19 326 IAC 8-15, consumer and commercial products.

20 Are there any questions or comments from  
21 the Board in regards to this rule at this time?

22 (No response.)

23 CHAIRMAN MINER: There's no

1 controversy about toilet or urinal care products?

2 (Laughter.)

3 MR. BENSHOOF: Or hair care products.

4 CHAIRMAN MINER: Or hair care  
5 products, absolutely. That's a whole lesson in  
6 hair care products and mousing and styling and  
7 whatnot. Interesting. But in any --

8 MR. QUYLE: I do have one question --

9 CHAIRMAN MINER: Absolutely.

10 MR. QUYLE: -- real quick.

11 Amy, you mentioned a number of states that  
12 already adopted these. I wonder, can you tell me  
13 whether Wisconsin or Kentucky have adopted these  
14 rules?

15 MS. SMITH: Neither Wisconsin nor  
16 Kentucky has adopted these.

17 MR. QUYLE: Do you know if these are  
18 under consideration in those states?

19 MS. SMITH: I don't believe they are.

20 MR. DELONEY: The State of Wisconsin  
21 they are. I should briefly, going back to touch  
22 on both AIM coatings as well as consumer and  
23 commercial products, we went through two



1 processes over the past four years.

2           The one process is a local stakeholder  
3 process, which I know, Mr. Quyle, you're aware  
4 of, with the Indiana Air Quality Advisory Group,  
5 and a similar group in Northwest Indiana, and  
6 also a regional stakeholder process through the  
7 Lake Michigan Air Directors Consortium, to come  
8 up with recommendations for the Department to  
9 consider for controlling ozone precursors, in  
10 conjunction with meeting the '97 based standards  
11 as well the future air quality standards that we  
12 knew were going to be more stringent.

13           What we came up with was a series of rules  
14 that we evaluated both at the state level as well  
15 as regionally through the Lake Michigan Air  
16 Directors Consortium. There were five specific  
17 rules that were deemed to be most cost effective  
18 for us to reduce VOC's in the State of Indiana.

19           The VO -- the AIM Coatings Rule and the  
20 Consumer and Commercial Products Rule were two  
21 rules that were determined to be most cost  
22 effective at the regional level through the Lake  
23 Michigan Air Directors Consortium, and the State

1 of Wisconsin was one of the five states that  
2 agreed to pursue rulemaking. We're all on  
3 different tracks, but we're proceeding with those  
4 rules.

5 We also have several others that were  
6 recommended to us through the local stakeholder  
7 processes here in Indiana. Those were auto  
8 refinishing, which the Board has seen,  
9 degreasing, and stage 1 vapor recovery. So,  
10 that's the origin of those five specific rules,  
11 and the cost benefit and regional applicability,  
12 all of that is part of this.

13 MR. QUYLE: Thank you. Scott.

14 CHAIRMAN MINER: Any further comments  
15 or questions from the Board at this time?

16 (No response.)

17 CHAIRMAN MINER: Seeing none, I would  
18 entertain a motion for preliminary adoption of  
19 the rule, 326 IAC 8-15.

20 MR. BENSHOOF: So moved.

21 CHAIRMAN MINER: I have a motion from  
22 Mr. Benshoof.

23 MR. CUNDIFF: Second.

1                   CHAIRMAN MINER: And a second from  
2 Mr. Cundiff. All those in favor of this rule,  
3 signify by saying aye.

4                   MR. HORN: Aye.

5                   MR. BACONE: Aye.

6                   MR. ANDERSON: Aye.

7                   MR. BENSHOOF: Aye.

8                   MS. FISHER: Aye.

9                   MR. CUNDIFF: Aye.

10                  MR. QUYLE: Aye.

11                  MR. KISSEL: Aye.

12                  DR. STEVENS: Aye.

13                  MR. STALEY: Aye.

14                  CHAIRMAN MINER: Aye.

15                  Opposed?

16                                 (No response.)

17                  CHAIRMAN MINER: The rule passes.

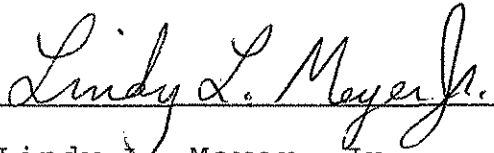
18                  We're presently at an impasse for a break.  
19 We have a scheduled hearing in regard to the  
20 Outdoor Hydronic Heating Rule at 6:00 p.m., so we  
21 will take a break until 6:00 p.m.

22                  MR. DELONEY: Yes, Mr. Chairman, if I  
23 could, I would like to provide a response to a

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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Wednesday, June 2, 2010 in this matter and transcribed by me.



Lindy L. Meyer, Jr.,

Notary Public in and

for the State of Indiana.

My Commission expires October 27, 2016.

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BEFORE THE STATE OF INDIANA  
AIR POLLUTION CONTROL BOARD

- - -

PUBLIC MEETING OF SEPTEMBER 1, 2010

- - -

ORIGINAL

PROCEEDINGS

before the Indiana Air Pollution Control Board,  
Thomas Anderson, Chairman, taken before me,  
Lindy L. Meyer, Jr., a Notary Public in and for  
the State of Indiana, County of Shelby, at the  
Indiana Government Center South, Conference  
Center, Room C, 402 West Washington Street,  
Indianapolis, Indiana, on Wednesday, September 1,  
2010 at 1:02 o'clock p.m.

- - -

William F. Daniels, RPR/CP CM d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 Brighton Avenue  
Carmel, Indiana 46032  
(317) 848-0088

## 1 APPEARANCES:

## 2 BOARD MEMBERS:

3 Thomas Anderson, Chairman  
4 David Benshoof  
5 Randy Staley  
6 Gregory Kissel  
7 Chris Horn  
8 Dr. Phil Stevens  
9 Jeffery L. Quyle  
10 Howard W. Cundiff, Proxy, State Board of  
11 Health  
12 John Bacone, Proxy, Department of  
13 Natural Resources  
14 Brandon Seitz, Proxy, Lieutenant  
15 Governor  
16 Pamela Fisher, Proxy, Indiana Economic  
17 Development Corporation

## 11 IDEM STAFF MEMBERS:

12 Thomas W. Easterly, IDEM Commissioner  
13 Keith Baugues, Asst. Commissioner  
14 Scott Deloney  
15 Chris Pedersen  
16 Manda Clevenger  
17 Susan Bem  
18 Amy Smith  
19 Catherine Mitchell

## 17 PUBLIC SPEAKERS:

18 Paul Berebitsky  
19 Jodi Perras  
20 Frank Moore  
21 James Donnelly  
22 Chris M. Holt  
23

1 yes.

2 Mr. Brandon Seitz?

3 MR. SEITZ: Yes.

4 CHAIRMAN ANDERSON: Mr. Seitz votes

5 yes.

6 Mr. Randy Staley?

7 MR. STALEY: Yes.

8 CHAIRMAN ANDERSON: Mr. Staley votes

9 yes.

10 Mr. Jeffery Quyle?

11 MR. QUYLE: Yes.

12 CHAIRMAN ANDERSON: Mr. Quyle votes

13 yes.

14 Dr. Phil Stevens?

15 DR. STEVENS: Yes.

16 CHAIRMAN ANDERSON: Dr. Stevens votes

17 yes.

18 Mr. John Bacone?

19 MR. BACONE: Yes.

20 CHAIRMAN ANDERSON: Mr. Bacone votes

21 yes, and I vote yes. The final -- the vote is

22 unanimous to final adopt the rule.

23 We'll now move to the next item. This is



1 a public hearing before the Air Pollution Control  
2 Board of the State of Indiana regarding final  
3 adoption of a new rule, 326 IAC 8-15, Consumer  
4 and Commercial Products, LSA No. 07-351.

5 I will now introduce into the record of  
6 the hearing Exhibit 6-A, the proposed rule as  
7 preliminarily adopted with IDEM's suggested  
8 changes incorporated, and Exhibit 6-B, the change  
9 sheet of technical corrections, a copy of which  
10 has been provided to Board members today.

11 Is there anyone from the Department who  
12 would like to comment on the rule?

13 MR. DELONEY: Amy Smith.

14 CHAIRMAN ANDERSON: Amy?

15 MS. SMITH: In this rulemaking, IDEM  
16 proposes to add a new rule to the Article 8 VOC  
17 Rules at 326 IAC 8-15 concerning emissions of  
18 volatile organic compounds from consumer and  
19 commercial products. The proposed rule was  
20 preliminarily adopted on June 2nd, 2010.

21 Following preliminary adoption, IDEM made  
22 the following amendments to the proposed rule:  
23 First, IDEM amended the implementation date of

1 the rule from January 1st, 2011 to June 1st,  
2 2011. The revised implementation date will  
3 ensure that regulated sources have adequate time  
4 to comply with the new rule requirements. For  
5 consistency, additional dates affecting  
6 sell-through provisions were amended based on the  
7 new June 1st, 2011 implementation date.

8 Second, IDEM made the following amendments  
9 to clarify and correct proposed rule language:

10 Amended 326 IAC 8-15-3(j) to clarify  
11 applicability of this rule provision and resolve  
12 an ambiguity in the rule language; corrected  
13 internal rule cites at 326 IAC 8-15-3(g)(4) and  
14 (j)(2); and corrected the definition of "ASTM" at  
15 326 IAC 8-15-2(18).

16 Finally, after the Board packet was  
17 printed and distributed, IDEM corrected and  
18 clarified ASTM methods incorporated by reference  
19 in the proposed rule at 326 IAC 8-15-2 and  
20 326 IAC 8-15-9. IDEM amended one ASTM standard  
21 at 8-15-2(63) to correct a typo in the proposed  
22 rule based on the Ozone Transport Commission's  
23 model rule language.

1           Additionally, titles of the ASTM standards  
2 used in the rule were added to clarify the rule  
3 language. The Board has been provided with the  
4 change sheet noting the technical corrections to  
5 the proposed rule.

6           IDEM requests that the Board adopt the  
7 amendments in the change sheet and final adopt  
8 the proposed rule as preliminarily adopted with  
9 IDEM's suggested changes incorporated, as amended  
10 by the change sheet.

11           CHAIRMAN ANDERSON: Thank you.

12           Are there any questions for Amy?

13                           (No response.)

14           CHAIRMAN ANDERSON: I don't have any  
15 speaker cards. Is there anyone else that would  
16 like to -- wishes to speak on the rule?

17                           (No response.)

18           CHAIRMAN ANDERSON: Seeing none, this  
19 hearing is now concluded. We are ready for Board  
20 action on final adoption of a new rule,  
21 326 IAC 8-15, Consumer and Commercial Products,  
22 LSA No. 07-351. Are there any questions from the  
23 Board?

1 (No response.)

2 CHAIRMAN ANDERSON: I guess the  
3 process that we're going to do is to take Board  
4 action on the amendments in the change sheet, and  
5 then to adopt changes, and then to consider final  
6 adoption. So, the first action would be a  
7 motion -- I will entertain a motion that should  
8 be made to adopt the amendments in the change  
9 sheet, Exhibit 6-B.

10 MR. QUYLE: So moved, Mr. Chairman.

11 CHAIRMAN ANDERSON: Mr. Quyle has  
12 moved. Is there a second?

13 MR. CUNDIFF: Second.

14 DR. STEVENS: Second.

15 CHAIRMAN ANDERSON: I saw Howard.  
16 Mr. Cundiff has seconded.

17 All in favor, say aye.

18 MR. HORN: Aye.

19 MR. BACONE: Aye.

20 DR. STEVENS: Aye.

21 MR. SEITZ: Aye.

22 MS. FISHER: Aye.

23 MR. CUNDIFF: Aye.

1 MR. KISSEL: Aye.

2 MR. QUYLE: Aye.

3 MR. BENSHOOF: Aye.

4 MR. STALEY: Aye.

5 CHAIRMAN ANDERSON: Aye.

6 Opposed?

7 (No response.)

8 CHAIRMAN ANDERSON: The motion  
9 carries adopting -- to adopt the amendments in  
10 the change sheet. I will now entertain a motion  
11 which should be made to adopt IDEM's suggested  
12 changes, so I will entertain a motion for that.

13 MR. CUNDIFF: So moved.

14 CHAIRMAN ANDERSON: Mr. Cundiff has  
15 moved. Is there a second?

16 DR. STEVENS: Second.

17 CHAIRMAN ANDERSON: Mr. Stevens  
18 has -- or Dr. Stevens has seconded.

19 All in favor, say aye.

20 MR. HORN: Aye.

21 MR. BACONE: Aye.

22 DR. STEVENS: Aye.

23 MR. SEITZ: Aye.

1 MS. FISHER: Aye.

2 MR. CUNDIFF: Aye.

3 MR. KISSEL: Aye.

4 MR. QUYLE: Aye.

5 MR. BENSHOOF: Aye.

6 MR. STALEY: Aye.

7 CHAIRMAN ANDERSON: Aye.

8 Opposed?

9 (No response.)

10 CHAIRMAN ANDERSON: The motion has  
11 carried to adopt IDEM's suggested changes. And  
12 now I will consider a motion for final adoption  
13 of the proposed rule as preliminarily adopted  
14 with IDEM's suggested changes incorporated, as  
15 amended by the change sheet. I'll entertain a  
16 motion to final adopt.

17 MR. BENSHOOF: So moved.

18 MR. HORN: So moved.

19 CHAIRMAN ANDERSON: Mr. Chris Horn  
20 has moved. Is there a second?

21 MR. BENSHOOF: Second.

22 CHAIRMAN ANDERSON: Mr. Benshoof has  
23 seconded. I will now take a roll-call vote and

1 I'll poll the Board.

2 Mr. David Benshoof?

3 MR. BENSHOOF: Yes.

4 CHAIRMAN ANDERSON: Mr. Benshoof  
5 votes yes.

6 Mr. Howard Cundiff?

7 MR. CUNDIFF: Yes.

8 CHAIRMAN ANDERSON: Mr. Cundiff votes  
9 yes.

10 Ms. Pamela Fisher?

11 MS. FISHER: Yes.

12 CHAIRMAN ANDERSON: Ms. Fisher votes  
13 yes.

14 Mr. Chris Horn?

15 MR. HORN: Yes.

16 CHAIRMAN ANDERSON: Mr. Horn votes  
17 yes.

18 Mr. Gregory Kissel?

19 MR. KISSEL: Yes.

20 CHAIRMAN ANDERSON: Mr. Kissel votes  
21 yes.

22 Mr. Brandon Seitz?

23 MR. SEITZ: Yes.

1 CHAIRMAN ANDERSON: Mr. Seitz votes  
2 yes.

3 Mr. Randy Staley?

4 MR. STALEY: Yes.

5 CHAIRMAN ANDERSON: Mr. Staley votes  
6 yes.

7 Mr. Jeffery Quyle?

8 MR. QUYLE: Yes.

9 CHAIRMAN ANDERSON: Mr. Quyle votes  
10 yes.

11 Dr. Phil Stevens?

12 DR. STEVENS: Yes.

13 CHAIRMAN ANDERSON: Dr. Stevens votes  
14 yes.

15 Mr. John Bacone?

16 MR. BACONE: Yes, sir.

17 CHAIRMAN ANDERSON: Mr. Bacone votes  
18 yes, and I will vote yes. The vote is unanimous  
19 and the rule has passed.

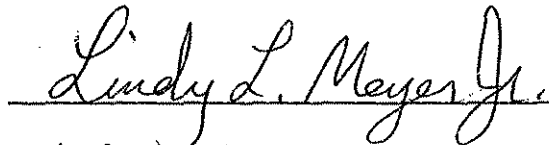
20 Two more items. This is a public hearing  
21 before the Air Pollution Control Board of the  
22 State of Indiana regarding final adoption of  
23 amendments to 326 IAC 6-8 -- I'm sorry --



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## CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Wednesday, September 1, 2010 in this matter and transcribed by me.



Lindy L. Meyer, Jr.,

Notary Public in and  
for the State of Indiana.

My Commission expires October 27, 2016.

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

**Proposed Rule**  
LSA Document #07-351

DIGEST

Adds [326 IAC 8-15](#) concerning emissions of volatile organic compounds from consumer and commercial products in Indiana. Effective 30 days after filing with the Publisher.

**HISTORY**

First Notice of Comment Period: June 27, 2007, Indiana Register (DIN: [20070627-IR-326070351FNA](#)).  
Second Notice of Comment Period: January 21, 2009, Indiana Register (DIN: [20090121-IR-326070351SNA](#)).  
Notice of Public Hearing: January 21, 2009, Indiana Register (DIN: [20090121-IR-326070351PHA](#)).  
Change in Notice of Public Hearing: February 3, 2010, Indiana Register (DIN: [20100203-IR-326070351CHA](#)).  
Change in Notice of Public Hearing: April 28, 2010, Indiana Register (DIN: [20100428-IR-326070351CHA](#)).  
Date of First Hearing: June 2, 2010.  
Fiscal Impact Statement: June 30, 2010, Indiana Register (DIN: [20100630-IR-326070351FIA](#)).

**PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)**

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#) until the board has conducted a third comment period that is at least 21 days long.

Because this proposed rule is not substantively different from the draft rule published on January 21, 2009, at [20090121-IR-326070351SNA](#), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from January 1, 2009, through February 20, 2009, on IDEM's draft rule language. IDEM received comments from the following parties:

Alliance of Automobile Manufacturers (AAM)  
Consumer Specialty Products Association (CSPA)  
Improving Kids' Environment (IKE)  
Personal Care Products Council (PCPC)  
SchiffHardin, LLP (SH)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* Improving Kids' Environment, Inc. (IKE) is fully supportive of IDEM's proposal to adopt this rule, which has been identified by the Lake Michigan States as one of a package of rules that will address regional emissions of ozone precursors. These numerous and ubiquitous products, which include personal care, household, automotive and many other items, emit volatile organic compounds (VOC) that contribute to regional ozone formation. Many of these chemicals are also toxic and may have adverse impacts on public health. With a number of Indiana counties measuring air quality in excess of the federal ozone standard and given that Indiana's emissions contribute to air quality in downwind states, all reasonable measures should be taken to reduce Indiana's VOC emissions.

The rule is a great example of pollution prevention, because it restricts the VOC content of the products themselves rather than controlling the emissions afterwards. Implementation and compliance assurance is therefore straightforward for manufacturers, retailers and regulators. IKE supports IDEM's use of the Ozone Transport Commission (OTC) model rule, which other states are using as well. This kind of program must be uniform throughout the country, given the regional and national nature of the markets for these products.

IKE agrees that IDEM should move forward with this rule now. When and if U.S. EPA undertakes amendments to the current federal rule (which are likely to be consistent with the OTC rule in any event), the Indiana Air Pollution Control Board can consider any appropriate changes.

IKE has two questions about the draft rule:

- 1) What percentage of VOC inventory do these products represent and what is the VOC reduction impact expected to be once this rule is implemented?
- 2) The notice says that the draft rule is "primarily based on the OTC model rule." What are the specific differences? (IKE)

*Response:* IDEM recognizes the importance of addressing the ozone issue from a regional perspective. This rulemaking, in conjunction with the rulemakings conducted by the other LADCO states, will assist in controlling VOCs in order to ensure compliance with U.S. EPA's newly issued 8-hour ozone standard and the proposed revised standard currently under consideration.

When U.S. EPA amends the existing federal consumer and commercial products (CCP) rule (40 CFR Part 59, Subpart C), IDEM will amend the state CCP rule, if necessary. However, to date, U.S. EPA has not published their proposed revisions to the federal consumer and commercial products rule.

Regarding IKE's questions about this rulemaking:

1) What percentage of VOC inventory do these products represent and what is the VOC reduction impact expected to be once this rule is implemented?

The federal CCP rule limits the VOC content of 24 product categories, or approximately 48 percent of the CCPs inventory nationwide. U.S. EPA estimates that VOC emissions from those 24 product categories are reduced by 20 percent. Since over half the inventory is unregulated by the federal rule, the OTC developed the model rule to regulate additional CCP categories and have more stringent VOC content limits than the federal rule. The emission reductions for the OTC model rule are estimated to be 14.2 percent of the total consumer product inventory beyond the national rule reduction. Indiana estimates an incremental emissions reduction of 3,154 tons per year of VOC beyond the reductions achieved from the federal rule.

2) The notice says that the draft rule is "primarily based on the OTC model rule." What are the specific differences?

The majority of changes to the OTC model rule were formatting changes in order to comply with Indiana's requirements for administrative rules. Additionally, IDEM did not include the following provisions from the OTC model rule: the variance provision (section 8); individual state approval of the Alternative Control Plan (ACP) or the innovative products exemption; optional state-specific certification procedures for charcoal lighter materials; the VOC content limits for toilet and urinal care products; and the ban on para-dichlorobenzene (PDCB) in solid air fresheners and toilet or urinal care products.

The OTC model rule variance provision was unnecessary because Indiana's variance procedures are statutorily prescribed and apply to all rules adopted by the Air Pollution Control Board. Indiana's statutory variance provisions can be found in the Indiana Code §13-14-8-8. The model rule's language regarding individual state approval of the ACP or innovative products exemption and state-specific certification procedures for charcoal lighter materials were not included because Indiana determined that it is not necessary to require the department to make these determinations. The draft rule language may allow a consumer product to be exempt from the Indiana CCP rule if it has been granted an innovative product exemption or an ACP by the California Air Resources Board or any air pollution control agency of another state that has adopted a CCP rule substantially equivalent to the OTC model rule ([326 IAC 8-15-5](#) Innovative products exemption and [326 IAC 8-15-6](#) Alternative control plan). Finally, the VOC content limit for toilet and urinal care products, and the ban on (PDCB), has not been included in Indiana's CCP rule in order to ensure that Indiana's CCP rule is consistent with surrounding states. Neither Ohio or Illinois included the ban of PDCB in solid air fresheners and toilet or urinal care products, and both removed the VOC content limits for toilet and urinal care products.

*Comment:* The Consumer Specialty Products Association (CSPA) is a voluntary, non-profit national trade association representing approximately 250 companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial and industrial use. CSPA member companies manufacture and market more than two-thirds of the broad product categories covered by IDEM's proposed regulation and the OTC's Model Rule. CSPA understands IDEM's need to expeditiously promulgate enforceable regulations to achieve additional reductions in VOC emissions. As a practical matter, eight states' OTC-based final regulations establish January 1, 2009, as the effective date for new VOC standards. Since CSPA member companies already have taken necessary actions to reformulate their products to comply with the January 2009 deadline in these other states, CSPA supports IDEM's proposal to establish July 1, 2010, as the effective date for Indiana's new VOC limits and related regulatory requirements. (CSPA)

*Response:* IDEM had to complete a fiscal impact analysis for this rulemaking as required under Indiana Code, § 4-22-2-28(c) and (e), which added additional time to the rulemaking schedule, and made IDEM's original proposed implementation date of January 1, 2010 impractical. Therefore, IDEM has amended the implementation date to January 1, 2011.

*Comment:* CSPA supports the promulgation of the uniform regulations because it is vitally important that interstate commerce is not impaired by the promulgation of different state regulations in the Midwest, Northeast and Mid-Atlantic Regions. Moreover, adoption of uniform regional regulations is a practical necessity for small businesses since they generally lack the staff resources to ensure that the companies products comply with a patchwork of different (and potentially conflicting) state-specific requirements. Therefore, CSPA supports IDEM's proposal to join other states' environmental agencies in developing uniform regulatory requirements for consumer products based upon the OTC model rule. Uniform state regulations will improve air quality without imposing unnecessary impediments to interstate commerce. (CSPA)

*Comment:* The Personal Care Products Council (PCPC) is the national trade association representing the personal care products industry, representing approximately 600 members involved in the manufacture and distribution of cosmetics, toiletries, and fragrances in Indiana and throughout the United States. Many of these companies are based in Indiana and/or have significant facilities in the State.

While we have supported efforts by U.S. EPA and environmental authorities in several states to reduce

emissions from consumer products as part of their efforts to improve air quality, it is of critical importance that implementing regulations ensure that feasibility of continuing to sell such products across state lines while maintaining consistent quality and safety. In pursuit of this goal, we have worked cooperatively with U.S. EPA, the California Air Resources Board (CARB), the OTC and the growing number of jurisdictions that have taken action to adopt the OTC model rule to ensure the greatest degree of consistency possible among the many jurisdictions.

We commend IDEM on substantially adhering to the revised OTC model rule in this revision. The PCPC worked closely with the OTC on the adoption of both its original regulation and the 2006 updated version. Our support for these efforts stems from the critical need of our members to have state regulations that are both technologically and commercially feasible for compliance and that permit the sale of uniform products across state lines, and we are gratified to note that IDEM appears to have followed the OTC model rule closely. (PCPC)

*Response:* IDEM understands the importance of consistency for a rulemaking that affects CCPs that are sold nationwide. Ensuring that Indiana's VOC CCP rules are consistent with other LADCO and OTC states has been an important consideration for the department when drafting the rule language.

*Comment:* The Alliance of Automobile Manufacturers (Alliance) is a coalition of eleven car and light-duty truck manufacturers. Several Alliance members have automobile and light-duty truck assembly plants with surface coating operations as well as other types of facilities that are located in Indiana.

In 1998, U.S. EPA issued a final list of categories of products to be regulated under the Clean Air Act, Section 183(e). The list included consumer products, for which U.S. EPA issued a national rule, as well as auto and light-duty truck assembly coatings. U.S. EPA issued a final Control Techniques Guidelines (CTG) document in October 2008 that specifically addresses VOC emissions from auto and light-duty truck assembly coatings. In addition to primer-surfacer topcoat, and electrodeposition coatings, the final Auto CTG contained VOC limits for glass bonding primer; adhesives; cavity waxes; auto original equipment manufacturing (OEM) sealers/sealants and caulks; deadners [sic]; gasket/sealing material; underbody and trunk interior coatings; weatherstrip adhesives; and lubricating waxes and compounds. The Auto CTG also addressed cleaning material used at auto and light-duty truck surface coating and assembly plants.

Our understanding is that the IDEM proposed rule is intended to be analogous to the 1998 U.S. EPA national rule establishing VOC content limits for CCPs and, like U.S. EPA's rule, is intended to apply only to retail products sold to customers for personal and household use and other products distributed by wholesalers for use in some commercial and institutional settings.

We further understand that the VOC content limits contained in the proposal are not intended to apply to products used at auto and light-duty truck surface coating and assembly facilities or other OEM facilities operated by Alliance members and which would be covered by the 2008 Auto CTG or other federal Section 183(e) rules or CTGs. The Alliance supports this approach and recommends that IDEM issue a final rule clearly stating that the VOC limits for CCPs do not apply to materials covered by the Auto CTG or to products regulated under other national rules or CTGs issued under the Clean Air Act, Section 183(e). (AAM)

*Response:* An "industrial or institutional product" means the following:

"(A) A consumer product that is designed for use in the maintenance or operation of an establishment that:

- (i) manufactures, transports, or sells goods or commodities or provides services for profit; or
- (ii) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause.

(B) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment..." ([326 IAC 8-15-2\(96\)](#))

The rule does not include products subject to the Auto CTG which are incorporated into or used exclusively in the manufacture or construction of goods or commodities at the facility. Also exempt from this rule are those products used directly in the manufacturing process that do not actually become part of the finished product but are nonetheless essential to the manufacturing process. For example, cleaning, degreasing, and lubricating products may be exempt from the definition of "consumer products" if the manufacturing process is the only use for these products.

Products used at a manufacturing facility that do meet the definition of "consumer products" subject to this rule include products that are used in general cleaning or maintenance of the manufacturing facility. Such products are often similar to commonly available household products and are used to perform tasks (such as cleaning and waxing) that are similar to those performed by a household consumer. Examples of these products include air fresheners, floor waxes, general purpose cleaners, and insecticides.

*Comment:* The Department's proposed VOC standards impose very stringent and technologically challenging limitations on the formulation of consumer products. Thus, it is reasonably foreseeable that some manufacturers (most likely small businesses) will experience difficulty complying with the regulatory standards for particular product categories.

CSPA recognizes the fact that the Department's general air quality regulation contains definitions and provisions that provide the framework for all other sections of the IDEM's air quality regulations. For example, the general definition of the pivotal term "volatile organic compound," as set forth at [326 IAC 1-2-90](#), applies to the Department's proposed CCP rule and to other sections of the Indiana Administrative Code that deal with air

quality issues.

However, despite our best efforts, CSPA could not identify a similar general provision for considering requests for variances. If there is such a provision, the IDEM should remove any potential confusion by providing an explicit cross-reference to the general variance provision in the final consumer products regulation. In the alternative, if the IDEM's comprehensive air quality regulation contains no such general variance provision, the Department's final regulation should incorporate the narrowly-tailored variance provision contained in the OTC model rule.

As a threshold matter, variances are intended to provide temporary regulatory relief for compliance with an applicable VOC limit. As a practical matter, the entire framework for the Department's proposed regulation is premised on OTC's comprehensive model rule. Therefore, it is both reasonable and appropriate for IDEM to provide this necessary procedural mechanism (based on the OTC model rule) for companies to request a variance. This revision will ensure that IDEM's final regulation is consistent with the OTC model rule and the final regulations promulgated by 12 states.

To ensure greater consistency with the OTC model rule and the final OTC-based regulations promulgated by other states, the Department should amend the current language of Section 3(a) to include an explicit reference to the variance provision. By including the explicit reference to the variance section (either a new section or the existing section of the Department's general regulation), IDEM's final regulation will be more consistent with the OTC model rule and other states' OTC-based regulations. (CSPA)

*Comment:* The proposed regulation neglects to incorporate the OTC model rule's provision for variances. IDEM should add the language from section 8 of the OTC model rule permitting variances, or alternatively, a truncated version of this language, such as:

"Consumer products which have been granted a variance by the CARB under the provision of 17 CCR 94514 shall be exempt from the VOC content limits in section 3(a) for the period of time that the variance remains in effect. Any person claiming a variance on this basis must submit to IDEM a copy of the variance decision, including all conditions applicable to the variance, by the date that the product is first marketed in Indiana." (PCPC)

*Response:* Indiana's general variance provisions for environmental rules and standards are found in the Indiana Code § 13-14-8-8. This section applies to all air quality rules contained in Title 326 of the Indiana Administrative Code. Any requests for a variance from [326 IAC 8-15](#) should be made in accordance with the provisions of Indiana Code § 13-14-8-8. IDEM declines to include specific variance provisions for each individual air quality rule in Title 326.

*Comment:* First, CSPA strongly supports the Department's proposal to provide an express exclusion from the labeling requirements ([326 IAC 8-15-7](#)) for products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It is well-settled law that states cannot impose "any requirements for labeling or packaging in addition to or different from those required under FIFRA." While state agencies like IDEM have ample authority to promulgate regulations to protect public health and the environment in Indiana, the U.S. Supreme court has held that states may not adopt requirements that would cause a FIFRA-regulated company to modify a federally approved label. Thus, IDEM's proposed action is consistent with every state's final OTC-based consumer products regulation.

However, as currently drafted, Section 4(f) cites an incorrect section of IDEM's proposed regulation. IDEM should make the following technical correction:

[326 IAC 8-15-4](#) Exemptions

(f) The requirements of section ~~6(a)~~ **7(a)** of this rule shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq)

As currently drafted, IDEM's Alternative Control Plan provision is set forth at Section 6, while the various administrative requirements (including the mandatory labeling requirements) are contained in Section 7. This revision will ensure the accuracy and internal consistency of the Department's final regulation. (CSPA)

*Response:* IDEM amended the language at [326 IAC 8-15-4\(g\)](#) to correct the error in the draft rule language published in the Second Notice of Comment Period.

*Comment:* The definition of "hairstyling product" deviates from the OTC model rule definition with respect to detanglers/conditioners/volumizers. The OTC model rule definition includes "leave-in volumizers, detanglers, and/or conditioners that make styling claims." By contrast, the definition in the current proposal includes "detanglers or conditioners, or both and leave-in volumizers that make styling claims." The definition should track the OTC definition verbatim, else risk sweeping in standard detanglers and conditioners that are not "leave-in." (PCPA)

*Response:* IDEM amended the definition for "hairstyling product" at [326 IAC 8-15-2\(88\)](#) to clarify that the term refers to "leave-in detanglers, conditioners, or volumizers that make styling claims."

*Comment:* Section 9(a) of the Draft Rule, states that "testing to determine compliance with the VOC content limits specified in section 3(a) of this rule shall be performed using [certain methods]" but fails to specifically identify the regulated entity which would be responsible for compliance with those testing requirements. This provision should be revised to state that it is the responsibility of the manufacturer or the responsible party to

conduct testing to determine the VOC content of a given consumer product. (SH)

*Response:* IDEM amended the draft rule language in section 9(a) to clarify that the manufacturer or responsible party is responsible to conduct testing to determine the VOC content of a CCP that is subject to the rule.

*Comment:* In order to clarify that the definition of "manufacturer" does not encompass a retailer who, for example boxes an existing consumer product (without altering the label) for shipment to its customer, we request that definitions be added to Section 2 of the draft rule for the terms "package" and "repackage." The definitions should state that those terms refer to the placement or replacement of a consumer product in an individual receptacle that holds the product for sale or distribution. *C.f.*, 40 C.F.R. § 59.401 (Definitions, National VOC Emission Standards for Architectural Coatings) (SH)

*Response:* IDEM reviewed the definitions in the VOC CCP rules of the OTC states', Illinois, Ohio, and Michigan. The definition of "manufacturer" in Indiana's draft rule is consistent with the definition used in those states' CCP rules. Additionally, these states do not include a definition for "package" or "repackage". The Code of Federal Regulations citation that references is for the national rule for architectural coatings and not the federal rule for CCPs. IDEM has not amended the draft rule language to include the requested definitions.

Throughout this rulemaking, IDEM has closely adhered to the rule language in the OTC model rule to ensure that Indiana's CCP rule is consistent with other states' rules. Ensuring that regulations such as this one--that affects commerce at both a national and regional level--is consistent with other states is a priority. After reviewing other states' effective CCP rules, IDEM believes that it would be inconsistent to limit the definition of manufacturer as requested.

*Comment:* Unlike a manufacturer, a business that is engaged only in the retail sale of consumer products is frequently not in a position to know whether a given product actually comports with all applicable content limits. With that in mind, several states that have adopted VOC emission standards for consumer products have included an exemption for retailers who make "good faith efforts" to comply with those requirements. For example, Maryland regulations provide that a retailer who sells a consumer product that exceeds applicable VOC content limits will not be in violation of Maryland regulations if the retailer can demonstrate that, when the retailer purchased the product from the supplier, the retailer made "reasonable good faith efforts" to assure that the product met applicable content-related requirements. Maryland regulations list several types of documentation which may constitute evidence of a retailer's "good faith efforts". Delaware and New Jersey have also incorporated similar provisions into their consumer product regulations. The draft rule should be revised to provide an exemption for retailers who have made good faith efforts to comply with applicable standards. (SH)

*Response:* IDEM agrees that a business engaged only in the retail sale of CCPs subject to this rule is primarily reliant on the representations made by a manufacturer or responsible party that a CCP is compliant. After reviewing the exemption rule language that Delaware, Maryland, and New Jersey provide for retailers that have made "reasonable good faith efforts" to assure that the product met the applicable VOC content-related requirements, IDEM has amended the draft rule language at [326 IAC 8-15-4\(d\)](#) to include an exemption for retailers. This exemption is applicable only to retailers which can demonstrate to the department that they made a "reasonable good faith effort" to assure that the product, at the time of purchase, met the applicable VOC content limit requirements.

*Comment:* The proposed rule requires that an explanation of the date code be submitted to IDEM by January 1, 2010, six months prior to the rule's effective date. Although this provision is loosely based on the OTC model rule, we note that a number of other jurisdictions have revised their rules to require such explanations only upon the request of the agency, and ask that Indiana do the same. Furnishing date code explanations only on request would minimize the regulatory burden on companies, while accomplishing the same goal. (PCPC)

*Response:* IDEM has amended the date to January 1, 2011. The draft rule language at [326 IAC 8-15-7\(b\)](#) requires manufacturers to submit an explanation of the date portion of the code to the department no later than January 1, 2011. This requirement is pulled directly from the OTC model rule's section 6(b), administrative requirements. After reviewing other jurisdictions VOC CCP rules, it appears that a majority of states follow the OTC model rule requirements that are embodied in IDEM's draft rule language. Therefore, to ensure consistency with the OTC model rule language, IDEM will require manufacturers to submit explanations of their date codes to the department.

## **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On June 2, 2010, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of a new rule at [326 IAC 8-15](#). No comments were made at the first hearing.

### **Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface  
IDEM Compliance and Technical Assistance Program - OPPTA  
MC 60-04 IGCS W041  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 232-8172 or (800) 988-7901  
[ctap@idem.in.gov](mailto:ctap@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Brad Baughn  
IDEM Small Business Assistance Program Ombudsman  
MC 50-01 IGCN 1307  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 234-3386  
[bbaughn@idem.in.gov](mailto:bbaughn@idem.in.gov)

### [326 IAC 8-15](#)

SECTION 1. [326 IAC 8-15](#) IS ADDED TO READ AS FOLLOWS:

#### **Rule 15. Standards for Consumer and Commercial Products**

##### [326 IAC 8-15-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

**Sec. 1. This rule applies to any person who:**

- (1) sells;
- (2) supplies;
- (3) offers for sale; or
- (4) manufactures;

**consumer products, on or after January 1, 2011, for use in Indiana.**

*(Air Pollution Control Board; [326 IAC 8-15-1](#))*

##### [326 IAC 8-15-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-11-2-158](#); [IC 13-12](#); [IC 15-16-4](#)

**Sec. 2. The following definitions apply throughout this rule:**

- (1) "ACP" means alternative control plan.
- (2) "ACP agreement" means the document that:
  - (A) includes the conditions and requirements of the ACP; and
  - (B) allows manufacturers to sell ACP products in Indiana in accordance with section 6 of this rule.
- (3) "ACP product" means any consumer product subject to the VOC content limits specified in section 3(a) of this rule, except those products that have been exempted under section 4 or 5 of this rule.
- (4) "Adhesive" means any product that is used to bond one (1) surface to another by attachment. The term does not include the following:
  - (A) Products used on humans and animals.
  - (B) Adhesive tape.
  - (C) Contact paper.
  - (D) Wallpaper.
  - (E) Shelf liners.
  - (F) Any other product with an adhesive incorporated onto or in an inert substrate.



(G) Units of product, less packaging, that consist of more than one (1) gallon that meet the definition for contact adhesive.

(H) Units of product, less packaging, that:

(i) weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces; and

(ii) meet the definition of either construction, panel, and floor covering adhesive or general purpose adhesive.

This limitation does not apply to aerosol adhesives.

(5) "Adhesive remover" means the following:

(A) A product designed to remove adhesive from either a specific substrate or a variety of substrates.

(B) The term includes the following:

(i) Floor or wall covering adhesive remover.

(ii) Gasket or thread locking adhesive remover.

(iii) General purpose adhesive remover.

(iv) Specialty adhesive remover.

(C) The term does not include products that remove adhesive intended exclusively for use on humans or animals.

(D) For the purpose of this definition, "adhesive" means a substance used to bond one (1) or more materials and includes, but is not limited to, the following:

(i) Caulks.

(ii) Sealants.

(iii) Glues.

(iv) Similar substances used for the purpose of forming a bond.

(6) "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. The term includes the following:

(A) Special purpose spray adhesives.

(B) Mist spray adhesives.

(C) Web spray adhesives.

(7) "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

(8) "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a:

(A) propellant contained in a product or a product's container; or

(B) mechanically induced force.

The term does not include pump spray.

(9) "Agricultural use" means the following:

(A) The use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop.

(B) The term does not include the sale or use of pesticides in properly labeled packages or containers that are intended for:

(i) home use;

(ii) use in structural pest control;

(iii) industrial use; or

(iv) institutional use.

(C) For the purposes of this definition only, the following apply:

(i) "Home use" means use in a household or its immediate environment.

(ii) "Industrial use" means use:

(AA) for or in a manufacturing, mining, or chemical process; or

(BB) in the operation of factories, processing plants, and similar sites.

(iii) "Institutional use" means use within the lines of, or on the property necessary for the operation of, buildings, such as the following:

(AA) Hospitals.

(BB) Schools.

(CC) Libraries.

(DD) Auditoriums.

(EE) Office complexes.

(iv) "Structural pest control" means a use requiring a license under [IC 15-16-4](#).

(10) "Air freshener" means the following:

(A) Any consumer product designed for the purpose of masking odors or freshening, cleaning, scenting, or deodorizing the air, including, but not limited to, the following:

- (i) Sprays.
- (ii) Wicks.
- (iii) Powders.
- (iv) Crystals.

(B) To determine whether a product is an air freshener, all verbal and visual representation regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

(C) The term includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution.

(D) The term does not include the following:

- (i) Products that are used on the human body.
- (ii) Products that function primarily as cleaning products as indicated on a product label.
- (iii) Toilet or urinal care products.
- (iv) Disinfectant products claiming to deodorize by killing germs on surfaces.
- (v) Institutional or industrial disinfectants when offered for sale solely through institutional or industrial channels of distribution.

(11) "All other carbon-containing compounds" means all other compounds that:

- (A) contain at least one (1) carbon atom; and
- (B) are not a Table B compound or an LVP-VOC.

(12) "All other forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless otherwise specified by the applicable VOC standard in section 3(a) of this rule, the term includes, but is not limited to, the following:

- (A) Solids.
- (B) Liquids.
- (C) Wicks.
- (D) Powders.
- (E) Crystals.
- (F) Cloth or paper wipes (towelettes).

(13) "Alternative control plan" or "ACP" means any emissions averaging program approved by the department under section 6 of this rule.

(14) "Antimicrobial hand or body cleaner or soap" means a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. The term:

- (A) includes, but is not limited to:
  - (i) antimicrobial hand or body washes or cleaners, or both;
  - (ii) food handler hand washes;
  - (iii) health care personnel hand washes;
  - (iv) preoperative skin preparations; and
  - (v) surgical scrubs; and
- (B) does not include:
  - (i) prescription drug products;
  - (ii) antiperspirants;
  - (iii) astringents or toner;
  - (iv) deodorant;
  - (v) facial cleaner or soap;
  - (vi) general use hand or body cleaner or soap;
  - (vii) hand dishwashing detergent (including antimicrobial);
  - (viii) heavy-duty hand cleaner or soap;
  - (ix) medicated astringent or medicated toner; and
  - (x) rubbing alcohol.

(15) "Antiperspirant" means any product that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of a target population. The term includes, but is not limited to, the following:

- (A) Aerosols.
- (B) Roll-ons.
- (C) Sticks.
- (D) Pumps.
- (E) Pads.
- (F) Creams.
- (G) Squeeze bottles.

(16) "Antistatic product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. The term does not include the following products:

- (A) Electronic cleaner.
- (B) Floor polish or wax.
- (C) Floor coating.
- (D) Aerosol coating product.
- (E) Architectural coating.

(17) "Architectural coating" means a coating applied to the following:

- (A) Stationary structures and their appurtenances.
- (B) Mobile homes.
- (C) Pavements.
- (D) Curbs.

(18) "ASTM" means the American Society for Testing Materials.

(19) "Astringent or toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores.

The term:

- (A) includes:
  - (i) clarifiers; and
  - (ii) substrate-impregnated products; and
- (B) does not include:
  - (i) hand, face, or body cleaner or soap product;
  - (ii) medicated astringent;
  - (iii) medicated toner;
  - (iv) cold cream;
  - (v) lotion; and
  - (vi) antiperspirant.

(20) "Automobile headliner adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

(21) "Automotive brake cleaner" means a cleaning product designed to remove the following from motor vehicle brake mechanisms:

- (A) Oil.
- (B) Grease.
- (C) Brake fluid.
- (D) Brake pad material.
- (E) Dirt.

(22) "Automotive engine compartment adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance and high shear strength at temperatures of two hundred (200) degrees Fahrenheit through two hundred seventy-five (275) degrees Fahrenheit.

(23) "Automotive hard paste wax" means an automotive wax or polish that:

- (A) is designed to protect and improve the appearance of automotive paint surfaces;
- (B) is a solid at room temperature; and
- (C) contains zero percent (0%) water by formulation.

(24) "Automotive instant detailer" means a product designed for use in a pump spray that is:

- (A) applied to the painted surface of automobiles; and
- (B) wiped off prior to the product being allowed to dry.

(25) "Automotive rubbing or polishing compound" means a product designed primarily to remove, from the painted surfaces of motor vehicles without leaving a protective barrier, the following:

- (A) Oxidation.
- (B) Old paint.
- (C) Scratches or swirl marks.
- (D) Other defects.

(26) "Automotive wax, polish, sealant, or glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. The term:

- (A) includes, but is not limited to, products designed for:
  - (i) use in auto body repair shops;
  - (ii) use in "drive-through" car washes; and
  - (iii) the general public; and
- (B) does not include:
  - (i) automotive rubbing or polishing compounds;
  - (ii) automotive wash and wax products;

- (iii) surfactant-containing car wash products; and
- (iv) products designed for use on unpainted surfaces, including, but not limited to:
  - (AA) bare metal;
  - (BB) chrome;
  - (CC) glass; and
  - (DD) plastic.

(27) "Automotive windshield washer fluid" means any liquid designed for use in a motor vehicle windshield washer system either:

- (A) as an antifreeze; or
  - (B) for the purpose of:
    - (i) cleaning;
    - (ii) washing; or
    - (iii) wetting;
- the windshield.

The term does not include fluids placed by the manufacturer in a new vehicle.

(28) "Bathroom and tile cleaner" means a product designed to clean tile or surfaces in bathrooms. The term does not include products designed primarily to clean the following:

- (A) Toilet bowls.
- (B) Toilet tanks.
- (C) Urinals.

(29) "Bug and tar remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

- (A) Biological-type residues, such as the following:
  - (i) Insect carcasses.
  - (ii) Tree sap.
- (B) Road grime, such as the following:
  - (i) Road tar.
  - (ii) Roadway paint markings.
  - (iii) Asphalt.

(30) "CARB" means the California Air Resources Board.

(31) "Carburetor or fuel-injection air intake cleaners" means a product designed to remove fuel deposits, dirt, or other contaminants from the following:

- (A) A carburetor.
- (B) A choke.
- (C) The throttle body of a fuel-injection system.
- (D) Associated linkages.

The term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

(32) "Carpet and upholstery cleaner" means the following:

- (A) A cleaning product designed for the purpose of eliminating dirt and stains on the following:
  - (i) Rugs.
  - (ii) Carpeting.
  - (iii) The interior of motor vehicles.
  - (iv) Household furniture.
  - (v) Objects upholstered or covered with fabrics, such as the following:
    - (AA) Wool.
    - (BB) Cotton.
    - (CC) Nylon.
    - (DD) Other synthetic fabrics.

(B) The term includes, but is not limited to, products that make fabric protectant claims.

(C) The term does not include the following:

- (i) General purpose cleaners.
- (ii) Spot removers.
- (iii) Vinyl or leather cleaners.
- (iv) Dry cleaning fluids.
- (v) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

(33) "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. The term does not include any of the following:

- (A) Electrical starters and probes.

- (B) Metallic cylinders using paper tinder.
- (C) Natural gas.
- (D) Propane.
- (E) Fat wood.

(34) "Colorant" means any pigment or coloring material used in a consumer product:

- (A) for an aesthetic effect; or
- (B) to dramatize an ingredient.

(35) "Construction, panel, and floor covering adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of the following:

(A) Structural and building components, including the following:

- (i) Beams.
- (ii) Trusses.
- (iii) Studs.
- (iv) Paneling, including, but not limited to, the following:
  - (AA) Dry wall or dry wall laminates.
  - (BB) Fiberglass reinforced plastic (FRP).
  - (CC) Plywood.
  - (DD) Particle board.
  - (EE) Insulation board.
  - (FF) Predecorated hardboard or tile board.
- (v) Ceiling and acoustical tile.
- (vi) Molding.
- (vii) Fixtures.
- (viii) Countertops.
- (ix) Countertop laminates.
- (x) Cove bases.
- (xi) Wall bases.
- (xii) Flooring or subflooring.

(B) Floor or wall coverings, including the following:

- (i) Wood or simulated wood covering.
- (ii) Carpet.
- (iii) Carpet pad or cushion.
- (iv) Vinyl-backed carpet.
- (v) Flexible flooring material.
- (vi) Nonresilient flooring material.
- (vii) Mirror tiles and other types of tiles.
- (viii) Artificial grass.

The term does not include floor seam sealer.

(36) "Consumer" means any person who purchases or acquires any consumer product for the following uses:

- (A) Personal.
- (B) Family.
- (C) Household.
- (D) Institutional.

The term does not include persons acquiring a consumer product for resale.

(37) "Consumer product" means the following:

(A) A chemically formulated product used by household and institutional consumers, including, but not limited to, the following:

- (i) Detergents.
- (ii) Cleaning compounds.
- (iii) Polishes.
- (iv) Floor finishes.
- (v) Cosmetics.
- (vi) Personal care products.
- (vii) Home, lawn, and garden products.
- (viii) Disinfectants.
- (ix) Sanitizers.
- (x) Aerosol paints.
- (xi) Automotive specialty products.
- (xii) Aerosol adhesives, including aerosol adhesives for the following uses:
  - (AA) Consumer.

(BB) Industrial.

(CC) Commercial.

(B) The term does not include the following:

- (i) Paint products.
- (ii) Furniture coating.
- (iii) Architectural coatings.

(38) "Contact adhesive" means the following:

(A) An adhesive that:

- (i) is designed for application to both surfaces to be bonded together;
- (ii) is allowed to dry before the two (2) surfaces are placed in contact with each other;
- (iii) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and
- (iv) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

(B) The term does not include the following:

- (i) Rubber cements that are primarily intended for use on paper substrates.
- (ii) Vulcanizing fluids that are designed and labeled for tire repair only.

(39) "Contact adhesive-general purpose" means any contact adhesive that is not a contact adhesive-special purpose.

(40) "Contact adhesive-special purpose" means a contact adhesive that is used:

(A) to bond:

- (i) melamine-covered board;
- (ii) unprimed metal;
- (iii) unsupported vinyl;
- (iv) Teflon;
- (v) ultrahigh molecular weight polyethylene;
- (vi) rubber; and
- (vii) high pressure laminate or wood veneer, one-sixteenth (1/16) inch or less in thickness; to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight (8) fluid ounces; or

(B) in automotive applications that are:

- (i) automotive under the hood applications requiring heat, oil, or gasoline resistance; or
- (ii) body side molding, automotive weather strip, or decorative trim.

(41) "Container or packaging" means the part or parts of the consumer or institutional product that serve only to:

- (A) contain;
- (B) enclose;
- (C) incorporate;
- (D) deliver;
- (E) dispense;
- (F) wrap; or
- (G) store;

the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes that the product was designed or intended. The term includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed, or attached.

(42) "Crawling bug insecticide" means the following:

(A) Any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to:

- (i) mites;
- (ii) silverfish; or
- (iii) spiders.

(B) The term does not include products designed to be used exclusively on humans or animals, or any house dust mite product.

(C) For purposes of this definition only, the following apply:

- (i) "House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.
- (ii) "House dust mite" means mites that:

(AA) feed primarily on skin cells shed in the home by humans and pets; and

- (BB) belong to the:
  - (aa) phylum Arthropoda;
  - (bb) subphylum Chelicerata;
  - (cc) class Arachnida;
  - (dd) subclass Acari;
  - (ee) order Astigmata; and
  - (ff) family Pyroglyphidae.

(43) "Date code" means the day, month, and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

(44) "Deodorant" means the following:

(A) For products manufactured before January 1, 2011, any product including, but not limited to:

- (i) aerosols;
- (ii) roll-ons;
- (iii) sticks;
- (iv) pumps;
- (v) pads;
- (vi) creams; and
- (vii) squeeze bottles;

that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

(B) For products manufactured on or after January 1, 2011, any product including, but not limited to:

- (i) aerosol;
- (ii) roll-ons;
- (iii) sticks;
- (iv) pumps;
- (v) pads;
- (vi) creams; and
- (vii) squeeze bottles;

that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent or minimize odor, or both.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(45) "Deodorant body spray" means the following:

(A) For products manufactured before January 1, 2011, a personal fragrance product with twenty percent (20%) or less fragrance.

(B) For products manufactured on or after January 1, 2011, a personal fragrance product with twenty percent (20%) or less fragrance that is designed for application all over the human body to provide a scent.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(46) "Device" means any instrument or contrivance (other than a firearm) that is designed for:

- (A) trapping;
- (B) destroying;
- (C) repelling; or
- (D) mitigating;

any pest or any other form of plant or animal life (other than man and other than a bacterium, a virus, or another microorganism on or in a living man or other living animals). The term does not include equipment used for the application of pesticides when sold separately therefrom.

(47) "Disinfectant" means the following:

(A) Any product:

- (i) intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects; and
- (ii) whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.).

(B) The term does not include any of the following:

- (i) Products designed solely for use on human or animals.
- (ii) Products designed for agricultural use.
- (iii) Products designed solely for use in:

- (AA) swimming pools;
- (BB) therapeutic tubs; or
- (CC) hot tubs.

(iv) Products that, as indicated on the principal display panel or label, are designed primarily for use as:

- (AA) bathroom and tile cleaners;
- (BB) glass cleaners;
- (CC) general purpose cleaners;
- (DD) toilet bowl cleaners; or
- (EE) metal polishes.

(48) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include the following:

- (A) Manufacturers.
- (B) Retailers.
- (C) Consumers.

(49) "Double phase aerosol air freshener" means an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

(50) "Dry cleaning fluid" means the following:

(A) Any nonaqueous liquid product designed and labeled exclusively for use on:

- (i) fabrics that are labeled "for dry clean only", such as clothing or drapery; or
- (ii) "S-coded" fabrics, that for the purpose of this definition, means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

(B) The term includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics, such as draperies, at the customer's residence or workplace.

(C) The term does not include:

- (i) spot remover; or
- (ii) carpet and upholstery cleaner.

(51) "Dusting aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include a pressurized gas duster.

(52) "Electrical cleaner" means the following:

(A) A product labeled to remove heavy soils, such as grease, grime, or oil, from electrical equipment, including, but not limited to, the following:

- (i) Electric motors.
- (ii) Armatures.
- (iii) Relays.
- (iv) Electric panels.
- (v) Generators.

(B) The term does not include the following:

- (i) General purpose cleaners.
- (ii) General purpose degreasers.
- (iii) Dusting aids.
- (iv) Electronic cleaners.
- (v) Energized electrical cleaners.
- (vi) Pressurized gas dusters.
- (vii) Engine degreasers.
- (viii) Antistatic products.
- (ix) Products designed to clean the casings or housings of electrical equipment.

(53) "Electronic cleaner" means the following:

(A) A product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment, such as circuit boards, and the internal components of electronic devices, including, but not limited to, the following:

- (i) Radios.
- (ii) Compact disc (CD) players.
- (iii) Digital video disc (DVD) players.
- (iv) Computers.

(B) The term does not include the following products:

- (i) General purpose cleaners.



- (ii) General purpose degreasers.
  - (iii) Dusting aids.
  - (iv) Pressurized gas dusters.
  - (v) Engine degreasers.
  - (vi) Electrical cleaners.
  - (vii) Energized electrical cleaners.
  - (viii) Antistatic products.
  - (ix) Products designed to clean the casings or housings of electronic equipment.
- (54) "Energized electrical cleaner" means a product that meets the following criteria:
- (A) The product is labeled to clean or degrease, or both, electrical equipment where cleaning or degreasing, or both, is accomplished when:
    - (i) electrical current exists; or
    - (ii) there is a residual electrical potential from a component, such as a capacitor.
  - (B) The product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts."

The term does not include electronic cleaners.

- (55) "Engine degreaser" means a cleaning product designed to remove:

- (A) grease;
- (B) grime;
- (C) oil; and
- (D) other contaminants;

from the external surfaces of engines and other mechanical parts.

- (56) "Existing product" means any:

- (A) formulation of the same product category and form:
  - (i) sold;
  - (ii) supplied;
  - (iii) manufactured; or
  - (iv) offered for sale;

in Indiana prior to January 1, 2011; or

- (B) subsequently introduced identical formulation.

- (57) "Fabric protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include the following:

- (A) Waterproofers.
- (B) Products designed for use solely on:
  - (i) leather; or
  - (ii) fabrics that are labeled "for dry clean only" and sold in containers of ten (10) fluid ounces or less.

- (58) "Fabric refresher" means the following:

- (A) A product labeled to neutralize or eliminate odors on the following:

- (i) Nonlaundered fabric, including, but not limited to, the following:

- (AA) Soft household surfaces.
- (BB) Rugs.
- (CC) Carpeting.
- (DD) Draperies.
- (EE) Bedding.
- (FF) Automotive interiors.
- (GG) Footwear.
- (HH) Athletic equipment.

- (II) Clothing.

- (ii) Household furniture or objects upholstered or covered with fabrics, including, but not limited to, the following:

- (AA) Wool.
- (BB) Cotton.
- (CC) Nylon.

- (B) The term does not include the following:

- (i) Antistatic products.
- (ii) Carpet and upholstery cleaners.
- (iii) Footwear or leather care products.
- (iv) Spot removers.
- (v) Disinfectants.

(vi) Products labeled for application to both fabric and human skin.

(vii) Soft household surface sanitizers. For the purposes of this definition only, "soft household surface sanitizer" means a product labeled to neutralize or eliminate odors on surfaces listed in clause (A) whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

(59) "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face. The term:

(A) includes, but is not limited to:

- (i) facial cleansing creams;
- (ii) semisolids;
- (iii) liquids;
- (iv) lotions; and
- (v) substrate-impregnated forms; and

(B) does not include:

- (i) prescription drug products;
- (ii) antimicrobial hand or body cleaner or soap;
- (iii) astringent or toner;
- (iv) general use hand or body cleaner or soap;
- (v) medicated astringent or medicated toner; and
- (vi) rubbing alcohol.

(60) "Fat wood" means pieces of wood kindling with high naturally occurring levels of sap or resin that enhance ignition of the kindling. The term does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood based products.

(61) "Flea and tick insecticide" means any insecticide product that is designed for use against:

- (A) fleas;
- (B) ticks;
- (C) their larvae; or
- (D) their eggs.

The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

(62) "Flexible flooring material" means the following:

- (A) Asphalt.
- (B) Cork.
- (C) Linoleum.
- (D) No-wax.
- (E) Rubber.
- (F) Seamless vinyl flooring.
- (G) Vinyl composite flooring.

(63) "Flexible vinyl" means a nonrigid polyvinyl chloride plastic with at least five percent (5%), by weight, of plasticizer content, which may be determined using ASTM Method E260-91\*, or from product formulation data. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility.

(64) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates.

(65) "Floor coating" means an opaque coating that is labeled and designed for application to flooring that may be subject to foot traffic, including, but not limited to, the following:

- (A) Decks.
- (B) Porches.
- (C) Steps.
- (D) Other horizontal surfaces.

(66) "Floor or wall covering adhesive remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

(67) "Floor polish or wax" means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. The term does not include the following:

- (A) Spray buff products.
- (B) Products designed solely for the purpose of cleaning floors.
- (C) Floor finish strippers.
- (D) Products designed for unfinished wood floors.
- (E) Coatings subject to architectural coatings regulations.

(68) "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

(69) "Floor wax stripper" means a product designed to remove natural or synthetic floor polishes or

**waxes:**

- (A) through breakdown of the polish or wax polymers; or
- (B) by dissolving or emulsifying the polish or wax.

The term does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

**(70) "Flying bug insecticide" means the following:**

(A) Any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, the following:

- (i) Flies.
- (ii) Mosquitoes.
- (iii) Moths.
- (iv) Gnats.

(B) The term does not include the following:

- (i) Wasp and hornet insecticide.
- (ii) Products that are designed to be used exclusively on humans or animals.
- (iii) Any moth-proofing product. For purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

**(71) "Footwear or leather care product" means the following:**

(A) Any product designed or labeled to be applied to footwear or to other leather articles or components, to:

- (i) maintain;
- (ii) enhance;
- (iii) clean;
- (iv) protect; or
- (v) modify;

the appearance, durability, fit, or flexibility of the footwear or leather article or component. Footwear includes both leather and nonleather foot apparel.

(B) The term does not include the following:

- (i) Fabric protectants.
- (ii) General purpose adhesives.
- (iii) Contact adhesives.
- (iv) Vinyl, fabric, leather, or polycarbonate coatings.
- (v) Rubber and vinyl protectants.
- (vi) Fabric refreshers.
- (vii) Products solely for deodorizing.
- (viii) Sealant products with adhesive properties used to create external protective layers greater than two (2) millimeters thick.

**(72) "Fragrance" means a substance or complex mixture of:**

- (A) aroma chemicals;
- (B) natural essential oils; and
- (C) other functional components;

with a combined vapor pressure not in excess of two (2) millimeters of mercury (mm Hg) at twenty (20) degrees Celsius, the sole purpose of which is to impart an odor or scent or to counteract a malodor.

**(73) "Furniture coating" means any paint designed for application to room furnishings, including, but not limited to, the following:**

- (A) Cabinets (kitchen, bath, and vanity).
- (B) Tables.
- (C) Chairs.
- (D) Beds.
- (E) Sofas.

**(74) "Furniture maintenance product" means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting, or enhancing finished wood surfaces other than floors. The term does not include the following:**

- (A) Dusting aids.
- (B) Wood cleaners.
- (C) Products designed solely for the purpose of cleaning.
- (D) Products designed to leave a permanent finish, such as the following:
  - (i) Stains.
  - (ii) Sanding sealers.

**(iii) Lacquers.**

**(75) "Gasket or thread locking adhesive remover"** means a product designed or labeled to remove gaskets or thread locking adhesives. The term includes products labeled for dual use as a paint stripper and gasket remover or thread locking adhesive remover.

**(76) "Gel"** means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

**(77) "General purpose adhesive"** means any nonaerosol adhesive designed for use on a variety of substrates. The term does not include the following:

**(A) Contact adhesives.**

**(B) Construction, panel, and floor covering adhesives.**

**(C) Adhesives designed exclusively for application on one (1) specific category of substrates that are composed of similar materials, including, but not limited to, different types of the following:**

**(i) Metals.**

**(ii) Paper products.**

**(iii) Ceramics.**

**(iv) Plastics.**

**(v) Rubbers.**

**(vi) Vinyls.**

**(D) Adhesives designed exclusively for use on one (1) specific category of articles, such as articles that may be composed of different materials but perform a specific function, including, but not limited to, the following:**

**(i) Gaskets.**

**(ii) Automotive trim.**

**(iii) Weather stripping.**

**(iv) Carpets.**

**(78) "General purpose adhesive remover"** means a product designed or labeled to remove cyanoacrylate adhesives and nonreactive adhesives or residue from a variety of substrates. The term includes, but is not limited to, products that remove the following:

**(A) Thermoplastic adhesives.**

**(B) Pressure sensitive adhesives.**

**(C) Dextrine or starch based adhesives.**

**(D) Casein glues.**

**(E) Rubber or latex based adhesives.**

**(F) Stickers.**

**(G) Decals.**

**(H) Stencils.**

The term does not include floor or wall covering adhesive remover.

**(79) "General purpose cleaner"** means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. The term includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces. The term does not include general purpose degreasers and electronic cleaners.

**(80) "General purpose degreaser"** means the following:

**(A) Any product labeled to remove or dissolve grease, grime, oil, and other oil based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts.**

**(B) The term does not include the following:**

**(i) Engine degreasers.**

**(ii) General purpose cleaners.**

**(iii) Adhesive removers.**

**(iv) Electronic cleaners.**

**(v) Electrical cleaners.**

**(vi) Energized electrical cleaners.**

**(vii) Metal polish or cleansers.**

**(viii) Products used exclusively in solvent cleaning tanks or related equipment, including, but not limited to, the following:**

**(AA) Cold cleaners.**

**(BB) Vapor degreasers.**

**(CC) Conveyorized degreasers.**

**(DD) Film cleaning machines.**

**(EE) Products designed to clean miscellaneous metallic parts by immersion in a container.**

**(ix) Products that are:**

(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and  
(BB) labeled "not for retail sale".

(81) "General use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. The term:

(A) includes, but is not limited to:

- (i) hand or body washes;
- (ii) dual-purpose shampoo and body cleaners;
- (iii) shower or bath gels; and
- (iv) moisturizing cleaners or soaps; and

(B) does not include:

- (i) prescription drug products;
- (ii) antimicrobial hand or body cleaner or soap;
- (iii) astringent or toner;
- (iv) facial cleaner or soap;
- (v) hand dishwashing detergent (including antimicrobial);
- (vi) heavy-duty hand cleaner or soap;
- (vii) medicated astringent or medicated toner; and
- (viii) rubbing alcohol.

(82) "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in the following:

- (A) Eyeglasses.
- (B) Photographic equipment.
- (C) Scientific equipment.
- (D) Photocopying machines.

(83) "Graffiti remover" means the following:

(A) A product labeled to remove, from a variety of noncloth or nonfabric substrates, the following:

- (i) Spray paint.
- (ii) Ink.
- (iii) Marker.
- (iv) Crayon.
- (v) Lipstick.
- (vi) Nail polish.
- (vii) Shoe polish.

(B) The term does not include the following:

- (i) Paint remover or stripper.
- (ii) Nail polish remover.
- (iii) Spot remover.

(C) Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.

(84) "Hair mousse" means a hairstyling foam designed to:

- (A) facilitate styling of a coiffure; and
- (B) provide limited holding power.

(85) "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair. The term includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include the following:

- (A) Hair sprays.
- (B) Hair mousses.
- (C) Hairstyling products.
- (D) Hairstyling gels.
- (E) Products whose primary purpose is to condition or hold the hair.

(86) "Hair spray" means the following:

(A) For products manufactured before January 1, 2011, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure that will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

(B) For products manufactured on or after January 1, 2011, a consumer product that is:

- (i) applied to styled hair; and
- (ii) designed or labeled to provide sufficient rigidity to hold, retain, or finish, or both, the style of the hair for a period of time.

(C) The term includes the following:

- (i) Aerosol hair sprays.

- (ii) Pump hair sprays.
  - (iii) Spray waxes.
  - (iv) Products that are both a styling and a finishing product.
  - (v) Color, glitter, or sparkle hair sprays that make finishing claims.
- (D) The term does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.
- (E) For purposes of this definition, the following apply:
- (i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
  - (ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
- (87) "Hairstyling gel" means a consumer product manufactured before January 1, 2011, that is:
- (A) a high viscosity, often gelatinous, product that contains a resin; and
  - (B) designed for the application to hair to aid in styling and sculpting of the hair coiffure.
- (88) "Hairstyling product" means the following:
- (A) A consumer product manufactured on or after January 1, 2011, that is designed or labeled for application to wet, damp, or dry hair to aid in:
    - (i) defining;
    - (ii) shaping;
    - (iii) lifting;
    - (iv) styling; or
    - (v) sculpting;the hair.
  - (B) The term includes, but is not limited to, the following:
    - (i) Products that aid in styling but do not provide finishing of a hairstyle, including, but not limited to, the following:
      - (AA) Hair balm.
      - (BB) Clay.
      - (CC) Cream.
      - (DD) Creme.
      - (EE) Curl straightener.
      - (FF) Gel.
      - (GG) Liquid.
      - (HH) Lotion.
      - (II) Paste.
      - (JJ) Pomade.
      - (KK) Putty.
      - (LL) Root lifter.
      - (MM) Serum.
      - (NN) Spray gel.
      - (OO) Stick.
      - (PP) Temporary hair straightener.
      - (QQ) Wax.
      - (RR) Spray products.
    - (ii) Leave-in detanglers, conditioners, or volumizers that make styling claims.
- (C) The term does not include the following:
  - (i) Hair mousses.
  - (ii) Hair shines.
  - (iii) Hair sprays.
  - (iv) Shampoos or conditioners, or both, that are rinsed from the hair prior to styling.
- (D) For purposes of this definition, the following apply:
  - (i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
  - (ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
- (89) "Heavy-duty hand cleaner or soap" means the following:
- (A) A product designed to clean or remove from the hand with or without the use of water difficult dirt and soils, including, but not limited to, the following:
    - (i) Oil.
    - (ii) Grease.
    - (iii) Grime.

- (iv) Tar.
- (v) Shellac.
- (vi) Putty.
- (vii) Printer's ink.
- (viii) Paint.
- (ix) Graphite.
- (x) Cement.
- (xi) Carbon.
- (xii) Asphalt.
- (xiii) Adhesives.

(B) The term does not include the following:

- (i) Prescription drug products.
- (ii) Antimicrobial hand or body cleaner or soap.
- (iii) Astringent or toner.
- (iv) Facial cleaner or soap.
- (v) General use hand or body cleaner or soap.
- (vi) Medicated astringent or medicated toner.
- (vii) Rubbing alcohol.

(90) "Herbicide" means a pesticide product designed to kill or retard a plant's growth. The term does not include products that are:

- (A) for agricultural use; or
- (B) restricted materials that require a permit for use and possession.

(91) "High volatility organic compound" or "HVOC" means any volatile organic compound that exerts a vapor pressure greater than eighty (80) millimeters of mercury (mm Hg) when measured at twenty (20) degrees Celsius.

(92) "Household product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

(93) "Indiana sales" means the sales (net pounds of product, less packaging and container, per year) in Indiana for either:

- (A) the calendar year immediately prior to the year that the registration is due; or
- (B) if that data is not available, any consecutive twelve (12) month period commencing not earlier than two (2) years prior to the due date of the registration.

If direct sales data for Indiana is not available, sales may be estimated by prorating national or regional sales data by population.

(94) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods. The term does not include products that are:

- (A) for agricultural use;
- (B) for a use that requires a structural pest control license under [IC 15-16-4](#); or
- (C) restricted materials that require a permit for use and possession.

(95) "Insecticide fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

(96) "Institutional product", "industrial and institutional product", or "I & I product" means the following:

(A) A consumer product that is designed for use in the maintenance or operation of an establishment that:

- (i) manufactures, transports, or sells goods or commodities or provides services for profit; or
- (ii) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause.

(B) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

(C) For purposes of this definition, "establishments" includes, but is not limited to, the following:

- (i) Government agencies.
- (ii) Factories.
- (iii) Schools.
- (iv) Hospitals.
- (v) Sanitariums.
- (vi) Prisons.
- (vii) Restaurants.
- (viii) Hotels.
- (ix) Stores.

(x) Automobile service and parts centers.

(xi) Health clubs.

(xii) Theaters.

(xiii) Transportation companies.

(97) "Label" means any written, printed, or graphic matter:

(A) affixed to;

(B) applied to;

(C) attached to;

(D) blown into;

(E) formed into;

(F) molded into;

(G) embossed on; or

(H) appearing upon;

any consumer product or consumer product package for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

(98) "Laminate repair or edgebanding adhesive" means an aerosol adhesive designed for the following:

(A) The touchup or repair of items laminated with high pressure laminates, for example, lifted edges, delaminates, etc. For purposes of this definition, "high pressure laminate" means sheet materials that consist of paper, fabric, or other core material that have been laminated at:

(i) temperatures exceeding two hundred sixty-five (265) degrees Fahrenheit; and

(ii) pressures between one thousand (1,000) and one thousand four hundred (1,400) psi.

(B) The touchup, repair, or attachment of edgebanding materials, including, but not limited to, the following:

(i) Other laminates.

(ii) Synthetic marble.

(iii) Veneers.

(iv) Wood molding.

(v) Decorative metals.

(99) "Laundry prewash" means a product that:

(A) is designed for application to a fabric prior to laundering; and

(B) supplements and contributes to the effectiveness of laundry detergents or provides specialized performance, or both.

(100) "Laundry starch product" means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. The term includes, but is not limited to, fabric finish, sizing, and starch.

(101) "Lawn and garden insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 7(d) of this rule, aerosol lawn and garden insecticides may claim to kill insects or other arthropods.

(102) "Liquid" means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1\*. The term does not include powders or other materials that are composed entirely of solid particles.

(103) "Lubricant" means the following:

(A) A product designed to:

(i) reduce friction, heat, noise, or wear between moving parts; or

(ii) loosen rusted or immovable parts or mechanisms.

(B) The term does not include the following:

(i) Automotive power steering fluids.

(ii) Products for use inside power generating motors, engines, and turbines and their associated power-transfer gearboxes.

(iii) Two (2) cycle oils or other products designed to be added to fuels.

(iv) Products for use on the human body or animals.

(v) Products that are:

(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and

(BB) labeled "not for retail sale".

(104) "LVP-VOC" means a chemical compound or mixture that contains at least one (1) carbon atom and meets one (1) of the following:

(A) Has a vapor pressure less than one-tenth (0.1) millimeter of mercury (mm Hg) at twenty (20) degrees Celsius, as determined by CARB Method 310\*.

(B) Is a chemical compound with more than twelve (12) carbon atoms, or a chemical mixture



comprised solely of compounds with more than twelve (12) carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown.

(C) Is a chemical compound with a boiling point greater than two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310\*.

(D) Is the weight percent of a chemical mixture that boils above two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310\*.

For purposes of this definition, "chemical compound" means a molecule of definite chemical formula and isomeric structure, and "chemical mixture" means a substrate comprised of two (2) or more chemical compounds.

(105) "Manufacturer" means any person who:

- (A) imports;
- (B) manufactures;
- (C) assembles;
- (D) produces;
- (E) packages;
- (F) repackages; or
- (G) relabels;

a consumer product.

(106) "Medicated astringent or medicated toner" means any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening pores. The term:

(A) includes, but is not limited to:

- (i) clarifiers; and
- (ii) substrate-impregnated products; and

(B) does not include:

- (i) hand, face, or body cleaners or soap products;
- (ii) astringents or toners;
- (iii) cold creams;
- (iv) lotions;
- (v) antiperspirants; and
- (vi) products that must be purchased with a doctor's prescription.

(107) "Medium volatility organic compound" or "MVOC" means any volatile organic compound that exerts a vapor pressure greater than two (2) millimeters of mercury (mm Hg) and less than or equal to eighty (80) mm Hg when measured at twenty (20) degrees Celsius.

(108) "Metal polish or cleanser" means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. For purposes of this definition, "improve the appearance" means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. The term:

(A) includes, but is not limited to, metal polishes used on:

- (i) brass;
- (ii) silver;
- (iii) chrome;
- (iv) copper;
- (v) stainless steel; and
- (vi) other ornamental metals; and

(B) does not include:

- (i) automotive waxes, polishes, sealants, or glazes;
- (ii) wheel cleaners;
- (iii) paint removers or strippers;
- (iv) products designed and labeled exclusively for automotive and marine detailing; or
- (v) products designed for use in degreasing tanks.

(109) "Mist spray adhesive" means any aerosol that:

- (A) is not a special purpose spray adhesive; and
- (B) delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

(110) "Mounting adhesive" means an aerosol adhesive designed to permanently mount:

- (A) photographs;
- (B) artwork; and
- (C) any other drawn or printed media;

to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

(111) "Multipurpose dry lubricant" means any lubricant that is:

- (A) designed and labeled to provide lubricity by depositing a thin film of:

- (i) graphite;
  - (ii) molybdenum disulfide (moly);
  - (iii) polytetrafluoroethylene; or
  - (iv) closely related fluoropolymer (Teflon) on surfaces; and
- (B) designed for general purpose lubrication or for use in a wide variety of applications.
- (112) "Multipurpose lubricant" means any lubricant designed for general purpose lubrication or for use in a wide variety of applications. The term does not include the following:
- (A) Multipurpose dry lubricants.
  - (B) Penetrants.
  - (C) Silicone based multipurpose lubricants.
- (113) "Multipurpose solvent" means the following:
- (A) Any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing, or dissolving other organic materials.
  - (B) The term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific, or other laboratories.
  - (C) The term does not include the following:
    - (i) Solvents used in the following:
      - (AA) Cold cleaners.
      - (BB) Vapor degreasers.
      - (CC) Conveyorized degreasers.
      - (DD) Film cleaning machines.
    - (ii) Solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- (114) "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails, including, but not limited to, the following:
- (A) Lacquers.
  - (B) Enamels.
  - (C) Acrylics.
  - (D) Base coats.
  - (E) Top coats.
- (115) "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.
- (116) "Nonaerosol product" means any consumer product that is not dispensed by a pressurized spray system.
- (117) "Noncarbon containing compound" means any compound that does not contain any carbon atoms.
- (118) "Nonresilient flooring" means flooring of a mineral content that is not flexible, including, but not limited to, the following:
- (A) Terrazzo.
  - (B) Marble.
  - (C) Slate.
  - (D) Granite.
  - (E) Brick.
  - (F) Stone.
  - (G) Ceramic tile.
  - (H) Concrete.
- (119) "Nonselective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
- (120) "Oven cleaner" means any cleaning product designed to clean and remove dried food deposits from oven walls.
- (121) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer that is:
- (A) converted to an opaque solid film after application; and
  - (B) used for protection, decoration, or identification or to serve some functional purpose, such as the:
    - (i) filling or concealing of surface irregularities; or
    - (ii) modification of light and heat radiation characteristics.
- (122) "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. The term does not include the following:
- (A) Multipurpose solvents.

- (B) Paint brush cleaners.
  - (C) Products designed and labeled exclusively graffiti removers.
  - (D) Hand cleaner products that claim to remove paints and other related coatings from skin.
- (123) "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include multipurpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.
- (124) "Person" has the meaning set forth in [IC 13-11-2-158](#).
- (125) "Personal fragrance product" means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, after-shave, and toilet water. The term does not include the following:
- (A) Deodorant.
  - (B) Medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body.
  - (C) Mouthwashes, breath fresheners, and deodorizers.
  - (D) Lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions, such as dryness and irritations.
  - (E) Products designed exclusively for use on human genitalia.
  - (F) Soaps, shampoos, and products primarily used to clean the human body.
  - (G) Fragrance products designed to be used exclusively on nonhuman animals.
- (126) "Pesticide" means any substance or mixture of substances labeled, designed, or intended for use:
- (A) in preventing, destroying, repelling, or mitigating any pest; or
  - (B) as a defoliant, desiccant, or plant regulator.
- The term does not include any substance, mixture of substances, or device that the U.S. EPA does not consider to be a pesticide.
- (127) "Polyolefin adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.
- (128) "Polystyrene foam adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.
- (129) "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including the following surfaces:
- (A) Photographs.
  - (B) Photographic film negatives.
  - (C) Computer keyboards.
  - (D) Other types of surfaces that cannot be cleaned with solvents.
- The term does not include dusting aids.
- (130) "Principal display panel or panels" means the part or parts of a label that are so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all the principal display panels.
- (131) "Product brand name" means the name of the product exactly as it appears on the principal display panel of the product.
- (132) "Product category" means the applicable category that best describes the product as listed in this section and section 3(a) of this rule.
- (133) "Product form" means, for the purpose of complying with section 7 of this rule only, the applicable form that most accurately describes the product's dispensing form as follows:
- A = Aerosol Product
  - S = Solid
  - P = Pump Spray
  - L = Liquid
  - SS = Semisolid
  - O = Other
- (134) "Product line" means a group of products of identical form and function belonging to the same product category or categories.
- (135) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.
- (136) "Pump spray" means a packaging system in which the product ingredients within the container are:
- (A) not under pressure; and
  - (B) expelled only while a pumping action is applied to:
    - (i) a button;

(ii) a trigger; or

(iii) another actuator.

(137) "Responsible ACP party" means the company, firm, or establishment that is listed on the ACP product's label. If the label lists two (2) or more companies, firms, or establishments, the responsible ACP party is the party that the ACP product was "manufactured for" or "distributed by", as noted on the label.

(138) "Responsible party" means the company, firm, or establishment that is listed on the product's label. If the label lists two (2) companies, firms, or establishments, the responsible party is the party that the product was "manufactured for" or "distributed by", as noted on the label.

(139) "Restricted materials" means pesticides established as restricted materials under applicable [IC 15-16-4](#).

(140) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.

(141) "Retail outlet" means any establishment where consumer products are sold, supplied, or offered for sale directly to consumers.

(142) "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

(143) "Rubber and vinyl protectant" means the following:

(A) Any product designed to protect, preserve, or renew vinyl, rubber, and plastic on the following:

(i) Vehicles.

(ii) Tires.

(iii) Luggage.

(iv) Furniture.

(v) Household products, such as the following:

(AA) Vinyl covers.

(BB) Clothing.

(CC) Accessories.

(B) The term does not include the following:

(i) Products designed primarily to clean the wheel rim, such as aluminum or magnesium wheel cleaners.

(ii) Tire cleaners that do not leave an appearance enhancing or protective substance on the tire.

(144) "Rubbing alcohol" means any product:

(A) containing isopropyl alcohol (also called isopropanol) or denatured ethanol; and

(B) labeled for topical use, usually to:

(i) decrease germs in minor cuts and scrapes; and

(ii) relieve minor muscle aches, as a rubefacient, and for massage.

(145) "Sealant and caulking compound" means the following:

(A) Any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two (2) surfaces.

(B) The term does not include the following:

(i) Roof cements and roof sealants.

(ii) Insulating foams.

(iii) Removable caulking compounds. For purposes of this definition only, "removable caulking compounds" means a compound that temporarily seals windows or doors for three (3) to six (6) month time intervals

(iv) Clear, paintable, or water resistant caulking compounds. For purposes of this definition, "clear, paintable, or water resistant caulking compounds" means a compound:

(AA) that contains no appreciable level of opaque fillers or pigments;

(BB) transmits most or all visible light through the caulk when cured;

(CC) is paintable; and

(DD) is immediately resistant to precipitation upon application.

(v) Floor seam sealers.

(vi) Products designed exclusively for automotive uses.

(vii) Sealers that are applied as continuous coatings.

(viii) Units of product, less packaging, that weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces.

(146) "Semisolid" means a product that, at room temperature, will not pour but will spread or deform easily including, but not limited to, the following:

(A) Gels.

(B) Pastes.

(C) Greases.

(147) "Shaving cream" means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. The term does not include shaving gel.

(148) "Shaving gel" means an aerosol product that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. The term does not include shaving cream.

(149) "Silicone based multipurpose lubricant" means any lubricant that is designed and labeled:

(A) to provide lubricity primarily through the use of silicone compounds, including, but not limited to, polydimethylsiloxane; and

(B) for general purpose lubrication or for use in a wide variety of applications.

The term does not include products designed and labeled exclusively to release manufactured products from molds.

(150) "Single phase aerosol air freshener" means an aerosol air freshener:

(A) with the liquid contents in a single homogeneous phase; and

(B) that does not require that the product container be shaken before use.

(151) "Solid" means a substance or mixture of substances that, either whole or subdivided, such as the particles comprising a powder, is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1\*.

(152) "Special purpose spray adhesive" means an aerosol adhesive that meets any of the following definitions:

(A) Mounting adhesive.

(B) Flexible vinyl adhesive.

(C) Polystyrene foam adhesive.

(D) Automobile headliner adhesive.

(E) Polyolefin adhesive.

(F) Laminate repair or edgebanding adhesive.

(G) Automotive engine compartment adhesive.

(153) "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur including, but not limited to, the following:

(A) Epoxies.

(B) Urethanes.

(C) Silicones.

The term does not include gasket or thread locking adhesive remover.

(154) "Spot remover" means the following:

(A) Any product labeled to clean localized areas or remove localized spots or stains on cloth or fabric, such as:

(i) drapes;

(ii) carpets;

(iii) upholstery; and

(iv) clothing;

that does not require subsequent laundering to achieve stain removal.

(B) The term does not include the following:

(i) Dry cleaning fluid.

(ii) Laundry prewash.

(iii) Multipurpose solvent.

(155) "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

(156) "Stick product" means any antiperspirant or deodorant that:

(A) contains active ingredients in a solid matrix form; and

(B) dispenses the active ingredients by frictional action on the affected area.

(157) "Structural waterproof adhesive" means an adhesive:

(A) whose bond lines are resistant to conditions of continuous immersion in fresh or salt water; and

(B) that conforms with Federal Specification MMM-A-181D (Type 1, Grade A)\*.

(158) "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Section 94508\*.

(159) "Terrestrial" means to live on or grow from land.

(160) "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

(161) "Toilet or urinal care product" means the following:

- (A) Any product designed or labeled to clean, deodorize, or clean and deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, the following:
  - (i) Toilets or urinals connected to permanent plumbing in buildings and other structures.
  - (ii) Portable toilets or urinals placed at temporary or remote locations.
  - (iii) Toilets or urinals in vehicles, such as the following:
    - (AA) Buses.
    - (BB) Recreational motor homes.
    - (CC) Boats.
    - (DD) Ships.
    - (EE) Aircraft.
- (B) The term does not include the following:
  - (i) Bathroom and tile cleaner.
  - (ii) General purpose cleaner.
- (162) "Type A propellant" means a compressed gas, such as carbon dioxide (CO<sub>2</sub>), nitrogen (N<sub>2</sub>), or nitrous oxide (N<sub>2</sub>O), or compressed air that is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.
- (163) "Type B propellant" means any halocarbon that is used as a propellant including the following:
  - (A) Chlorofluorocarbons (CFCs).
  - (B) Hydrochlorofluorocarbons (HCFCs).
  - (C) Hydrofluorocarbons (HFCs).
- (164) "Type C propellant" means any propellant that is not a Type A or Type B propellant, including the following:
  - (A) Propane.
  - (B) Isobutane.
  - (C) n-butane.
  - (D) Dimethyl ether (also known as dimethyl oxide).
- (165) "Undercoating" means any aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior, or firewall of motor vehicles to prevent the formation of rust or to deaden sound. The term includes, but is not limited to, rubberized, mastic, or asphaltic products.
- (166) "Usage directions" means the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.
- (167) "Vinyl, fabric, leather, or polycarbonate coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.
- (168) "VOC content" means, except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under section 9 of this rule.
- (169) "Volatile organic compound" or "VOC" has the meaning set forth in [326 IAC 1-2-90](#).
- (170) "Wasp and hornet insecticide" means any insecticide product that is designed for use against:
  - (A) wasps;
  - (B) hornets;
  - (C) yellow jackets; or
  - (D) bees;by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.
- (171) "Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants.
- (172) "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). The term includes, but is not limited to, the following:
  - (A) Substances derived from the secretions of plants and animals, such as carnauba wax and beeswax.
  - (B) Substances of a mineral origin, such as ozocerite and paraffin.
  - (C) Synthetic polymers, such as polyethylene.
- (173) "Web spray adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.
- (174) "Wood cleaner" means the following:
  - (A) A product labeled to clean wooden materials, including, but not limited to, the following:
    - (i) Decking.
    - (ii) Fences.
    - (iii) Flooring.

- (iv) Logs.
- (v) Cabinetry.
- (vi) Furniture.

(B) The term does not include the following:

- (i) Dusting aids.
- (ii) General purpose cleaners.
- (iii) Furniture maintenance products.
- (iv) Floor wax strippers.
- (v) Floor polishes or waxes.
- (vi) Products designed and labeled exclusively to preserve or color wood.

(175) "Wood floor wax" means wax based products for use solely on wood floors.

\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-2](#))

### [326 IAC 8-15-3](#) Standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 3. (a) Except as provided in sections 4 through 6 of this rule, no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product manufactured on or after January 1, 2011, that contains VOCs in excess of the VOC content limits specified in the following table of standards:

Product Category	VOC Standard (percent VOC by weight)
<b>Adhesives:</b>	
Aerosol mist spray	65
Aerosol web spray	55
Special purpose spray adhesives:	
Mounting, automotive engine compartment, and flexible vinyl	70
Polystyrene foam and automotive headliner	65
Polyolefin and laminate repair or edgebanding	60
Construction, panel, and floor	15
Contact	80
Contact general purpose	55
Contact special purpose	80
General purpose	10
Structural waterproof	15
<b>Adhesive removers:</b>	
Floor or wall covering	5
Gasket or thread locking	50
General purpose	20
Specialty	70
<b>Air fresheners:</b>	
Single phase aerosol	30
Double phase aerosol	25
Liquids or pump sprays	18
Solids or semisolids	3
<b>Antiperspirants:</b>	
Aerosol	40 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC

Antistatic product, nonaerosol	11
Automotive brake cleaners	45
Automotive rubbing or polishing compound	17
Automotive wax, polish, sealant, or glaze:	
Hard paste waxes	45
Instant detailers	3
All other forms	15
Automotive windshield washer fluids	35
Bathroom and tile cleaners:	
Aerosol	7
All other forms	5
Bug and tar remover	40
Carburetor or fuel injection air intake cleaners	45
Carpet and upholstery cleaners:	
Aerosols	7
Nonaerosol (dilutables)	0.1
Nonaerosol (ready-to-use)	3.0
Charcoal lighter material <sup>1</sup>	
Cooking spray, aerosols	18
Deodorants:	
Aerosol	0 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC
Dusting aids:	
Aerosols	25
All other forms	7
Electrical cleaner	45
Electronic cleaner	75
Engine degreasers:	
Aerosol	35
Nonaerosol	5
Fabric protectants	60
Fabric refresher:	
Aerosol	15
Nonaerosol	6
Floor polishes or waxes:	
Products for flexible flooring materials	7
Products for nonresilient flooring	10
Wood floor wax	90
Floor wax strippers, nonaerosol <sup>2</sup>	
Footwear or leather care products:	
Aerosol	75
Solid	55
Other forms	15
Furniture maintenance products:	
Aerosol	17
All other forms except solid or paste	7
General purpose cleaners:	
Aerosol	10
Nonaerosol	4
General purpose degreasers:	
Aerosol	50
Nonaerosol	4



<b>Glass cleaners:</b>	
Aerosols	12
Nonaerosol	4
<b>Graffiti remover:</b>	
Aerosol	50
Nonaerosol	30
<b>Hair mousses</b>	6
<b>Hair shines</b>	55
<b>Hair sprays</b>	55
<b>Hairstyling gels</b>	6
<b>Hairstyling products:</b>	
Aerosol and pump sprays	6
All other forms	2
<b>Heavy-duty hand cleaner or soap</b>	8
<b>Insecticides:</b>	
Crawling bug (aerosol)	15
Crawling bug (all other forms)	20
Flea and tick	25
Flying bug (aerosol)	25
Flying bug (all other forms)	35
Foggers	45
Lawn and garden (nonaerosol)	3
Lawn and garden (all other forms)	20
Wasp and hornet	40
<b>Laundry prewash:</b>	
Aerosol or solids	22
All other forms	5
<b>Laundry starch products</b>	5
<b>Metal polish or cleaners</b>	30
<b>Multipurpose lubricant (excluding solid or semisolid products)</b>	50
<b>Nail polish remover</b>	75
<b>Nonselective terrestrial herbicide, nonaerosol</b>	3
<b>Oven cleaners:</b>	
Aerosol or pump sprays	8
Liquids	5
<b>Paint removers or strippers</b>	50
<b>Penetrants</b>	50
<b>Rubber and vinyl protectants:</b>	
Aerosol	10
Nonaerosol	3
<b>Sealants and caulking compounds</b>	4
<b>Shaving creams</b>	5
<b>Shaving gels</b>	7
<b>Silicone based multipurpose lubricants (excluding solid or semisolid products)</b>	60
<b>Spot removers:</b>	
Aerosol	25
Nonaerosol	8
<b>Tire sealants and inflators</b>	20
<b>Undercoatings, aerosol</b>	40
<b>Wood cleaner:</b>	
Aerosol	17
Nonaerosol	4

<sup>1</sup> See subsection (f) regarding charcoal lighter material standards.

<sup>2</sup> See subsection (h) regarding floor wax strippers.

**(b) No person shall:**

- (1) sell;**
- (2) supply;**
- (3) offer for sale; or**
- (4) manufacture for sale;**

in Indiana any antiperspirant or deodorant that contains any compound that has been identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 7, Section 93000\* as a toxic air contaminant.

**(c) Products that are diluted prior to use shall satisfy the following requirements:**

- (1) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the VOC content limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this rule, minimum recommended dilution shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.**
- (2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.**

**(d) The following provisions apply to the sell-through of products:**

- (1) Notwithstanding the provisions of subsections (a) and (g), a consumer product manufactured prior to the effective date of this rule, January 1, 2011, may be sold, supplied, or offered for sale after the effective date of this rule, January 1, 2011.**
- (2) Subdivision (1) does not apply to any consumer product that does not display on the product container or package the date on which the product was manufactured, or a code indicating the date, in accordance with section 6(a) of this rule.**

**(e) For consumer products subject to this rule that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. Section 136, et seq.), the effective date of the VOC standards specified in subsection (a) is January 1, 2012.**

**(f) The following requirements apply to all charcoal lighter materials:**

- (1) No person shall sell, supply, or offer for sale after January 1, 2011, any charcoal lighter material product unless at the time of the transaction the manufacturer can demonstrate that the product has been issued a currently effective certification by one (1) of the following:**
  - (A) The CARB under the Consumer Products provisions under Subchapter 8.5, Article 2, Section 94509(h), of Title 17 of the California Code of Regulations. The certification remains in effect for Indiana for as long as the CARB certification remains in effect.**
  - (B) A certification by an air pollution control agency of another state and the U.S. EPA. The certification must be current at the time of the transaction.**
- (2) Upon request by the department, a manufacturer claiming certification in accordance with subdivision (1) shall submit to the department a copy of the certification decision, that is, the Executive Order, including all conditions established by CARB applicable to the certification.**

**(g) The following requirements apply to aerosol adhesives:**

- (1) The VOC standards for aerosol adhesives apply to all uses of aerosol adhesives including consumer, industrial, and commercial uses. Except as otherwise provided in sections 4 and 5 of this rule, no person shall sell, supply, offer for sale, use, or manufacture for sale in Indiana any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOCs in excess of the VOC limits specified in subsection (a).**
- (2) In order to qualify as a special purpose spray adhesive, the product must meet one (1) or more of the definitions in section 2 of this rule, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one (1) of the definitions for special purpose spray adhesive, then the product shall be classified as either a web spray adhesive or a mist spray adhesive. If a product:**
  - (A) meets more than one (1) of the definitions in section 2 of this rule for a special purpose spray**

adhesive; and

(B) is not classified as a web spray adhesive or mist spray adhesive; then the VOC content limit for the product shall be the lowest applicable VOC content limit specified in subsection (a).

(3) Effective, January 1, 2011, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any aerosol adhesive that contains any of the following compounds:

- (A) Methylene chloride.
- (B) Perchloroethylene.
- (C) Trichloroethylene.

(4) All aerosol adhesives must comply with the labeling requirements specified in section 6 of this rule.

(h) The following requirements apply to floor wax strippers:

(1) The label of each nonaerosol floor wax stripper must specify a dilution ratio for light or medium buildup of polish that results in an as-used VOC concentration of three percent (3%) by weight or less.

(2) If a nonaerosol floor wax stripper is also intended to be used for removal of heavy buildup of polish, the label of that floor wax stripper must specify a dilution ratio for heavy buildup of polish that results in an as-used VOC concentration of twelve percent (12%) by weight or less.

(3) The terms "light buildup", "medium buildup", or "heavy buildup" are not specifically required as long as comparable terminology is used.

(i) The following requirements apply to products containing ozone depleting compounds:

(1) For any consumer product subject to subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product that contains any of the following ozone depleting compounds:

- (A) Trichlorofluoromethane (CFC-11).
- (B) Dichlorodifluoromethane (CFC-12).
- (C) 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113).
- (D) 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114).
- (E) Chloropentafluoroethane (CFC-115).
- (F) Bromochlorodifluoromethane (Halon 1211).
- (G) Bromotrifluoromethane (Halon 1301).
- (H) Dibromotetrafluoroethane (Halon 2402).
- (I) Chlorodifluoromethane (HCFC-22).
- (J) 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123).
- (K) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).
- (L) 1,1-dichloro-1-fluoroethane (HCFC-141b).
- (M) 1-chloro-1,1-difluoroethane (HCFC-142b).
- (N) 1,1,1-trichloroethane.
- (O) Carbon tetrachloride.

(2) The requirements in subdivision (1) shall not apply to any existing product formulation that:

- (A) complies with the VOC content limits listed in subsection (a); or
- (B) is reformulated to meet the VOC content limits in subsection (a) provided the ozone depleting compound content of the reformulated product does not increase.

(3) The requirements of subdivision (1) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than one-hundredth of one percent (0.01%) by weight of the product.

(j) The following requirements apply to adhesive removers, contact adhesives, electrical cleaners, electronic cleaners, footwear or leather care products, general purpose degreasers, and graffiti removers:

(1) Except as provided in subdivisions (2) and (4), effective January 1, 2011, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser that contains any of the following compounds:

- (A) Methylene chloride.
- (B) Perchloroethylene.
- (C) Trichloroethylene.

(2) Products manufactured before January 1, 2011, may be sold, supplied, or offered for sale until January 1, 2014, so long as the product container or package displays the date on which the product was manufactured, or a code indicating the date, in accordance with section 6(a) of this rule.

(3) Any person who sells or supplies a consumer product identified in subdivision (1) must notify the purchaser of the product in writing that the sell-through period for that product will end on January 1, 2014, if both of the following conditions are met:

(A) The product is sold or supplied to a distributor or retailer.

(B) The product is sold or supplied on or after December 31, 2013.

(4) The requirements of subdivisions (1) and (3) shall not apply to any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than one-hundredth of one percent (0.01%) by weight.

\*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-3](#))

### **326 IAC 8-15-4 Exemptions**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 4. (a) This rule shall not apply to any consumer product manufactured in Indiana for shipment and use outside of Indiana.

(b) This rule shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in Indiana a consumer product that does not comply with the VOC standards specified in section 3(a) of this rule, as long as the manufacturer or distributor can demonstrate both that the:

(1) consumer product is intended for shipment and use outside of Indiana; and

(2) manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed in Indiana.

(c) Subsection (b) does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in Indiana.

(d) A retailer who sells, offers for sale, or holds for sale in Indiana a consumer product that violates the VOC content limits specified in section 3(a) of this rule will not be in violation of this rule if the retailer:

(1) upon determining that a noncomplying product was purchased, immediately discontinues sale of the consumer product in Indiana; and

(2) demonstrates to the satisfaction of the department that the purchase was made with reasonable good faith efforts to assure that the product met the applicable requirements of this rule. Good faith efforts may be demonstrated by the following:

(A) Written communication between the retailer and the manufacturers and distributors that the retailer will accept only consumer products for sale in Indiana that comply with this rule.

(B) Written agreements between the retailer and the manufacturers and distributors in which the manufacturers and distributors commit to supply to the retailer only consumer products that comply with this rule.

(C) The retailer's use of invoices, purchase orders, and other contractual and billing documents that specify that the retailer will only accept consumer products that comply with this rule.

(e) The MVOC content standards specified in section 3(a) of this rule for antiperspirants or deodorants shall not apply to ethanol.

(f) The VOC limits specified in section 3(a) of this rule shall not apply to the following:

(1) Fragrances up to a combined level of two percent (2%) by weight contained in any consumer product and shall not apply to colorants up to a combined level of two percent (2%) by weight contained in any antiperspirant or deodorant.

- (2) Antiperspirants or deodorants, for those VOCs that contain more than ten (10) carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of two (2) mm Hg or less at twenty (20) degrees Celsius.
- (3) Any LVP-VOC.
- (4) Air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under section 2 of this rule or exempted under subdivision (3).
- (5) Insecticides containing at least ninety-eight percent (98%) para-dichlorobenzene.
- (6) Adhesives sold in containers of one (1) fluid ounce or less.
- (7) Bait station insecticides. For purposes of this subsection, "bait station insecticides" means containers enclosing an insecticidal bait that is not more than five-tenths (0.5) ounce by weight, where the bait is:
  - (A) designed to be ingested by insects; and
  - (B) composed of solid material feeding stimulants with less than five percent (5%) active ingredients.

(g) The requirements of section 7(a) of this rule shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.).

(Air Pollution Control Board; [326 IAC 8-15-4](#))

### [326 IAC 8-15-5](#) Innovative products exemption

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 5. (a) A consumer product is exempt from the VOC limit requirements of section 3(a) of this rule if the manufacturer has been granted an innovative product exemption by one (1) of the following:

- (1) The CARB under the Innovative Products provisions in:
  - (A) Subchapter 8.5, Article 2, Section 94511 of Title 17 of the California Code of Regulations; or
  - (B) Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the California Code of Regulations.
- (2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with an innovative products exemption provision substantially equivalent to the OTC "Model Rule for Consumer Products", September 13, 2006.

(b) An innovative products exemption in accordance with subsection (a) shall be valid for use in Indiana when all of the following requirements are met:

- (1) The innovative product exemption is still in effect and has not expired.
- (2) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(1) shall do the following:
  - (A) Submit to the department a copy of the CARB innovative product exemption decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.
  - (B) Maintain all information specified in the innovative product exemption approving an innovative product application for a minimum of three (3) years after the expiration of the exemption.
  - (C) Make all records available to the department or the U.S. EPA upon request.
- (3) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(2) shall certify to the department the following:
  - (A) The product (including its form) for which the innovative products exemption is being used to comply with this rule satisfies the following requirements:
    - (i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.
    - (ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the innovative products exemption is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.
  - (B) The manufacturer must demonstrate to the department by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems, or other fact, the use of the product will result in less VOC emissions compared to either the VOC emissions from a representative chemically formulated consumer product that complies with the VOC content limits in section 3(a) of this rule, or as compared to the calculated VOC emissions from a noncomplying representative product, if the product has been reformulated to comply with the VOC limits specified

in section 3(a) of this rule.

(C) Prior to relying on an innovative products exemption for compliance, the manufacturer must submit to the department the following information:

(i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an innovative products exemption rather than meet the applicable VOC content limits in section 3(a) of this rule.

(ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).

(iii) A copy of the following:

(AA) The documents setting forth the innovative products exemption.

(BB) The issuing state's air pollution control agency's approval.

(CC) The issuing state's air pollution control agency's conditions of approval.

(DD) The demonstration of clause (B).

(EE) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.

(FF) Documentation demonstrating compliance with the innovative products exemption.

(iv) A statement that the innovative products exemption and the product or products for which the innovative products exemption is being used conform with the requirements of clauses (A) and (B) and this clause.

(c) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those innovative products that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective date of the limits.

(d) If the consumer product for which an exemption has been granted no longer meets the criteria for an innovative product exemption, the department may revoke the exemption as necessary.

*(Air Pollution Control Board; [326 IAC 8-15-5](#))*

### **[326 IAC 8-15-6](#) Alternative control plan**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 6. (a) The purpose of this section is to provide an alternative method to comply with the limits in section 3(a) of this rule by allowing responsible alternative control plan (ACP) parties the option of voluntarily entering into separate ACPs for consumer products as specified in this section. Only responsible ACP parties for consumer products may enter into an ACP.

(b) Any manufacturer of consumer products shall be exempt from the VOC limit requirements of section 3(a) of this rule if they have been granted an ACP agreement by one (1) of the following:

(1) The CARB under the provisions in Subchapter 8.5, Article 4, Sections 9450-94555, of Title 17 of the California Code of Regulations.

(2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with ACP provisions substantially equivalent to the OTC "Model Rule for Consumer Products", September 13, 2006.

(c) An ACP agreement in accordance with subsection (b) shall be valid for use in Indiana when all of the following requirements are met:

(1) The ACP agreement is in effect and has not expired.

(2) The responsible ACP party claiming an exemption in accordance with subsection (b)(1) shall do the following:

(A) Submit to the department the following:

(i) A copy of the CARB ACP decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.

(ii) A statement that all ACP products within the ACP agreement are subject to the VOC limits in section 3(a) of this rule.

(B) Maintain all information specified in the ACP agreement approving an ACP exemption for a minimum of three (3) years after the expiration of the ACP.

(C) Make all records available to the department or the U.S. EPA upon request.

(3) The responsible ACP party claiming an exemption in accordance with subsection (b)(2) shall certify to the department the following:

(A) The product (including its form) for which ACP agreement exemption is being used to comply with this rule satisfies the following requirements:

(i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.

(ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the ACP agreement is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.

(B) Prior to relying on an ACP agreement for compliance, the responsible ACP party must submit to the department the following information:

(i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an ACP agreement rather than meet the applicable VOC content limits in section 3(a) of this rule.

(ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).

(iii) A copy of the following:

(AA) The documents setting forth the ACP agreement.

(BB) The issuing state's air pollution control agency's approval.

(CC) The issuing state's air pollution control agency's conditions of approval.

(DD) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.

(EE) Documentation demonstrating compliance with the ACP agreement.

(iv) A statement that the ACP agreement and the product or products for which the ACP agreement is being used conform with the requirements of clause (A) and this clause.

(d) The responsible ACP party shall notify the department, in writing, of any change not later than fifteen (15) working days from the date that a change occurs in an ACP product's:

(1) name;

(2) formulation;

(3) form;

(4) function;

(5) applicable product category or categories;

(6) VOC content;

(7) LVP content;

(8) date codes; or

(9) recommended product usage directions.

(e) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all ACP agreements granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those ACP agreements that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective dates of the limits.

(f) The responsible ACP party shall notify the department, in writing, upon learning that a requirement of subsection (c) is no longer satisfied.

(g) If the ACP agreement does not meet the requirements of subsection (c), the department may revoke the exemption as necessary.

**[326 IAC 8-15-7](#) Administrative requirements**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 7. (a) Each manufacturer of a consumer product subject to this rule shall clearly display on each consumer product container or package, the day, month, and year that the product was manufactured, or a code indicating the date according to the following requirements:

(1) A manufacturer who uses the following code to indicate the date of manufacture shall not be subject to the requirements of subsection (b) if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = year year day day day

Where: YY = two (2) digits representing the year in which the product was manufactured; and  
DDD = three (3) digits representing the day of the year on which the product was manufactured, with 001 representing the first day of the year, 002 representing the second day of the year, and so forth, that is, the Julian date.

(2) The date or code shall be displayed on each consumer product container or package not later than January 1, 2011.

(3) The date or code information shall be located on the container or inside the cover or cap so that it is readily observable or obtainable without irreversibly disassembling any part of the container or packaging. For the purpose of this subdivision, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(4) The requirements of this subsection shall not apply to product containing no VOCs or containing VOCs at one-tenth percent (0.10%) by weight or less.

(b) Additional product dating requirements are as follows:

(1) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to this rule, an explanation of the date portion of the code shall be filed with the department no later than January 1, 2011.

(2) If a manufacturer changes any code indicating the date of manufacture for any product subject to subdivision (1), an explanation of the modified code shall be submitted to the department before any products displaying the modified code are sold, supplied, or offered for sale in Indiana.

(3) No person shall:

- (A) erase;
- (B) alter;
- (C) deface;
- (D) otherwise remove; or
- (E) make illegible;

any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.

(4) Date code explanations for codes indicating the date of manufacture:

- (A) are public information; and
- (B) may not be claimed as confidential.

(c) Additional labeling requirements for aerosol adhesives, adhesive removers, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesives are as follows:

(1) In addition to the requirements specified in this section and section 7 of this rule, both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesive product subject to this rule shall ensure that all products clearly display the following information on each product container that is manufactured on or after January 1, 2011:

- (A) The product category as specified in section 3(a) of this rule or an abbreviation of the category.
- (B) The applicable VOC standard for the product as specified in section 3(a) of this rule, except for energized electrical cleaner, expressed as a percentage by weight, unless the product is included in



an ACP approved by the department in accordance with section 5 of this rule, and the product exceeds the applicable VOC content limit.

(C) If the product is included in an approved ACP and the product exceeds the applicable VOC content limits in section 3(a) of this rule, the product shall be labeled with the term "ACP" or "ACP product".

(D) If the product is classified as a special purpose spray adhesive, the applicable substrate or application, or both, or an abbreviation of the substrate or application that qualifies the product as special purpose.

(E) If the manufacturer or responsible party uses an abbreviation as allowed by clause (D), an explanation of the abbreviation must be filed with the department before the abbreviation is used.

(2) The information required by subsection (a) shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this rule, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(3) No person shall:

- (A) remove;
- (B) alter;
- (C) conceal; or
- (D) deface;

the information required in subdivision (1) prior to final sale of the product.

(d) The following most restrictive limits apply:

(1) For products manufactured before January 1, 2011, and FIFRA registered insecticides manufactured before January 1, 2012, the following apply:

(A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the principal display panel of any consumer product any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.

(B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.

(2) For products manufactured on or after January 1, 2011, and FIFRA registered insecticides manufactured on or after January 1, 2012, the following apply:

(A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the container or packaging of any consumer product, or on any sticker or label affixed thereto, any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.

(B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.

(Air Pollution Control Board; [326 IAC 8-15-7](#))

### [326 IAC 8-15-8](#) Record keeping and reporting requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 8. (a) The department may require any responsible party to report information, within ninety (90) days written notice, for any consumer product or products the department may specify, including, but not limited to, all or part of the following information:

(1) The name, address, and telephone number of the responsible party and the name and telephone number of the responsible party's designated contact person.

(2) Any claim of confidentiality made under [326 IAC 17.1](#).

(3) The product brand name for each consumer product and the product label.

(4) The product category to which the consumer product belongs.

(5) The applicable product form or forms listed separately.

(6) An identification of each product brand name and form as a "Household Product" or "I & I Product", or both.

(7) Separate Indiana sales in pounds per year, to the nearest pound, and the method used to calculate

Indiana sales for each product form.

(8) For information submitted by multiple companies, an identification of each company that is submitting relevant data, separate from that submitted by the responsible party. All information from all companies shall be submitted within ninety (90) days written notice from the department.

(9) For each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth percent (0.1%):

(A) Total of Table B compounds.

(B) Total of LVP-VOCs that are not fragrances.

(C) Total of all other carbon containing compounds that are not fragrances.

(D) Total of all noncarbon containing compounds.

(E) Total of fragrance.

(F) For products containing greater than two percent (2%), by weight, fragrance:

(i) the percent of fragrance that is LVP-VOCs; and

(ii) the percent of fragrance that is all other carbon containing compounds.

(G) Total of para-dichlorobenzene.

(10) For each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:

(A) Each Table B compound.

(B) Each LVP-VOC that is not a fragrance.

(11) If applicable, the weight percent comprised of propellant for each product.

(12) If applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types).

(b) If the responsible party does not have or does not provide the information requested, the department may require the reporting of this information by the person that has the information, including, but not limited to, any of, the following:

(1) The formulator.

(2) The manufacturer.

(3) The supplier.

(4) The parent company.

(5) The private labeler.

(6) The distributor.

(7) The repackager.

(c) The following special reporting requirements apply to consumer products subject to this rule that contain perchloroethylene or methylene chloride:

(1) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in Indiana upon request of the department within ninety (90) days written notice:

(A) The product brand name and a copy of the product label with legible usage instructions.

(B) The product category to which the consumer product belongs.

(C) The applicable product form or forms (listed separately).

(D) For each product form listed, the total sales in Indiana during the calendar year, to the nearest pound (exclusive of the container and packaging), and the method used for calculating the Indiana sales.

(E) The weight percent, to the nearest one-tenth percent (0.10%), of perchloroethylene and methylene chloride in the consumer product.

(2) For purposes of this subsection, "contains perchloroethylene or methylene chloride" means the product contains one percent (1.0%) or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.

(d) Persons subject to this rule shall do the following:

(1) Maintain all records for a minimum of three (3) years.

(2) Make records available to the department and U.S. EPA upon request.

(e) Any person supplying information under this rule may request that the information be kept confidential as trade secret information, and the department will evaluate the claim in accordance with [326 IAC 17.1](#).

(Air Pollution Control Board; [326 IAC 8-15-8](#))

**[326 IAC 8-15-9](#) Test methods**

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 8. (a) Testing to determine compliance with the VOC content limits specified in section 3(a) of this rule shall be performed by either the manufacturer or responsible party using either of the following:

- (1) CARB Method 310\*, "Determination of Volatile Organic Compounds in Consumer Products".
- (2) An alternative method that is shown to accurately determine the concentration of VOCs in a product. The alternative method must first be approved in writing by the department and U.S. EPA.

(b) Compliance with the VOC content limits specified in section 3(a) of this rule may be demonstrated through calculation of the VOC content of a consumer product from records of the amounts of constituents used to make the product (excluding packaging), under the following criteria:

(1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. A manufacturer or responsible party subject to this rule shall do the following:

- (A) Maintain all records for a minimum of three (3) years.
- (B) Make records available to the department and U.S. EPA upon request.

(2) For purposes of this section, the VOC content of a product shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{\text{B} - \text{C}}{\text{A}} \times 100$$

Where: A = Total net weight of a unit of product (excluding any packaging).  
B = Total weight of all VOCs, per unit.  
C = Total weight of VOCs exempted, per unit.

(3) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using CARB Method 310\*, the results of CARB Method 310\*:

- (A) shall take precedence over the product records; and
- (B) may be used to establish a violation of the requirements of the VOC content limits in section 3(a) of this rule.

(c) Testing to determine whether a product is a liquid or a solid shall be performed using ASTM D 4359-90(2000)e1\*.

(d) Testing to determine distillation points of petroleum distillate based charcoal lighter materials shall be performed using ASTM D 86-04b (2004)\*.

(e) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect:

- (1) the constituents used to manufacture a product;
- (2) the chemical composition of the individual product; and
- (3) any other test, processes, or records used in connection with product manufacture.

\*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 8-15-9](#))

[Notice of Public Hearing](#)



H

**ADMINISTRATIVE CHECKLIST (40 CFR 51, Appendix V)**

- |   |                     |
|---|---------------------|
| 1. The submittal is accompanied by a formal letter of submittal from the governor or his designee.  | Enclosed            |
| 2. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement ("document"); in final form.   | Attachment B        |
| a. Date of adoption or final issuance:  | September 1, 2010   |
| b. The effective date of the plan, if different from the adoption/issuance date.  | December 1, 2010    |
| 3. Evidence that the State has the necessary legal authority under state law to adopt and implement the plan.   | IC 13-14-8          |
| 4. A copy of the actual regulation or document submitted for approval and incorporation by reference into the plan, including the following:  | Attachment A        |
| a. Indication of the changes made to the existing approved plan, where applicable.  |                     |
| b. The submittal shall be a copy of the official State regulation or document signed, stamped, dated by the appropriate state official indicating that it is fully enforceable by the State. Effective date shall be stated in the document itself. |                     |
| 5. Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.   | Attachment B        |
| 6. Evidence that public notice was given, including date of proof of publication.   | Attachment D        |
| <input checked="" type="checkbox"/> Notice of First Public Hearing and Publisher's Affidavits   |                     |
| <input checked="" type="checkbox"/> Notice of Second Public Hearing and Publisher's Affidavits  |                     |
| 7. Certification that public hearings were held in accordance with information provided in public hearing notice.   | Attachments E and F |
| <input checked="" type="checkbox"/> Transcript from First Public Hearing  |                     |
| <input checked="" type="checkbox"/> Transcript from Second Public Hearing   |                     |
| 8. Compilation of public comments and State's response.   | Attachments C and G |
| <input checked="" type="checkbox"/> Second Notice   |                     |
| <input checked="" type="checkbox"/> Proposed Rule   |                     |
| <input type="checkbox"/> N/A Third Comment Period   |                     |
| 9. Technical support (if source specific rule change).  | N/A                 |